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Southold, NY

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PLANNING BOARD OFFICE
TOWN OF SOUTHOLD

PUBLIC MEETING
MINUTES

January 11, 2016
4:30 p.m.

Present were:

- Donald J. Wilcenski, Chairman
- James H. Rich III, Vice Chairman
- William J. Cremers, Member
- Pierce Rafferty, Member
- Martin Sidor, Member
- Heather Lanza, Planning Director
- Mark Terry, Principal Planner
- Brian Cummings, Planner
- Jessica Michaelis, Clerk Typist

SETTING OF THE NEXT PLANNING BOARD MEETING

Chairman Wilcenski: Good afternoon ladies and gentlemen and welcome to the regularly scheduled January 11, 2016 Southold Town Planning Board Public meeting. The first order of business is for the Board to set Monday, **February 8, 2016 at 4:30 p.m.** at the Southold Town Hall, Main Road, Southold, as the time and place for the next regular Planning Board Meeting.

William Cremers: So moved.

Martin Sidor: Second.

Chairman Wilcenski: Motion made by Bill, seconded by Martin. Any discussion? All in favor?

Ayes.

Motion carries.

SUBDIVISIONS

Conditional Sketch Plat Determinations:

Chairman Wilcenski: The Vines - This 80/60 Conservation Subdivision proposal will subdivide two R-80 and A-C split zoned parcels, SCTM#1000-73-2-4 and SCTM#1000-73-1-1, into 7 lots where the total acreage of the parcels equal 36.8 acres. (80% of which will be preserved as open space.) The property is located at 15105 Oregon Road, on the corner of Oregon Road and Bridge Lane, Cutchogue. SCTM#s1000-73-1-1 & 73-2-4

Pierce Rafferty: Mr. Chairman, I offer the following:

WHEREAS, this 80/60 Conservation Subdivision proposal will subdivide two R-80 and A-C split zoned parcels SCTM#1000-73-2-4 and SCTM#1000-73-1-1 into 7 lots where the total acreage of the parcels equal 36.8 acres.

SCTM#1000-73-2-4 (Parcel East) equals 31 acres proposed to be subdivided into 2 lots where Lot 1 equals 30.1 acres inclusive of a 1.3 acre Reserved Area, 0.7 acres of unbuildable land and 28.1 acres of agricultural land upon which Development Rights are proposed to be sold to the Town of Southold; Lot 2 equals 0.9 acres.

SCTM#1000-73-1-1 (Parcel West) equals 5.8 acres proposed to be subdivided into 5 lots where Lot 3 equals 1.1 acres inclusive of a 0.4 acre buffer, Lot 4 equals 1 acre, Lot 5 equals 0.9 acres, Lot 6 equals 0.9 acres and Lot 7 equals 1 acre inclusive of a 0.4 acre buffer. This parcel includes a right-of-way which equals 0.9 acres.

This project includes the transferring of yield from SCTM#1000-73-2-4 to SCTM#1000-73-1-1 pursuant to §240-42 F of the Southold Town Code; and

WHEREAS, on November 12, 2013, the agent submitted a Sketch Plat Application and 5 prints of the Sketch Plat; and

WHEREAS, on December 3, 2013, the agent submitted additional information required in the Sketch Plat Application; and

WHEREAS, on December 4, 2013, the Planning Board reviewed the application at their Work Session and found the application incomplete; and

WHEREAS, on February 6, 2014, The Land Preservation Committee reviewed the application and responded to the Planning Board with comments; and

WHEREAS, on February 10, 2014, the Sketch Plat Application Fee was submitted; and

WHEREAS, on February 27, 2014, the Planning Board reviewed the application at their Work Session and found the application complete. The Board also reviewed the lot design and requested that changes be made per Town Code requirements; and

WHEREAS, on March 21, 2014, the agent requested that the application be placed on the next Work Session for review of a revised plan; and

WHEREAS, on April 7, 2014, the Planning Board reviewed the application at their Work Session and found that an amended Site Plan Application to address the inconsistencies with the Site Plan compared to the buildable area located on proposed Lot 1 is required; and

WHEREAS, on September 11, 2014, the agent submitted revised subdivision plans; and

WHEREAS, on November 7, 2014, the Planning Board, at their Work Session, reviewed the application and agreed on the revised lot design, however, further review of the Winery Site Plan is needed to confirm that the Development Area allotted for the wine projection facility is adequate; and

WHEREAS, on January 28, 2015, an attorney representing an adjacent property sent a letter in opposition of the proposed subdivision; and

WHEREAS, on November 6, 2015, the agent submitted additional copies of the Sketch Plat; and

WHEREAS, on November 12, 2015, referrals were sent to applicable agencies; and

WHEREAS, on November 23, 2015, a referral response was received from the Department of Environmental Conservation; and

WHEREAS, on November 25, 2015, a referral response was received from the Office of the Town Engineer; and

WHEREAS, on December 1, 2015, a referral response was received from the Land Preservation Committee; and

WHEREAS, on December 8, 2015, a referral response was received from the Department of Health Services; and

WHEREAS, on December 9, 2015, a letter was sent to the agent requesting that a review request be submitted to the Office of Parks, Recreation and Historic Preservation and a Natural Heritage Data Form to the Department of Environmental Conservation; and

WHEREAS, on December 10, 2015, a referral response was received from the Office of the Town Trustees; and

WHEREAS, on December 21, 2015, a referral response was received from the LWRP Coordinator; and

WHEREAS, on January 11, 2016, the Planning Board, at their Work Session, found that the application meets all of the requirements of Sketch Plat review pursuant to §240-10 of the Southold Town Code; be it therefore

RESOLVED, that the Planning Board hereby waives the street light requirement pursuant to §161-46 as there is an existing street light located on the corner of Bridge Lane and Oregon Road.

William Cremers: Second.

Chairman Wilcenski: Motion made by Pierce, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

Pierce Rafferty: And be it further

RESOLVED, that the Southold Town Planning Board hereby **grants Conditional Sketch Plat Approval** upon the map entitled "Subdivision Map The Vines Sketch Plan No. 3-Lot Calculation", dated May 13, 2015, prepared by Howard Young, Land Surveyor, with the following conditions:

1. Submission of all Final Plat requirements pursuant to §240-20 Submission and §240-21 Technical Requirement of the Southold Town Code.
2. A Conservation Subdivision requires that at least 75% or 80% of buildable lands will be permanently preserved and protected from all residential or commercial development by means of the sale, transfer, gift or extinguishment of Development Rights. A firm indication that the Southold Town Board (or Suffolk County Legislature) has determined that the Town (or

County) intends to pursue the preservation offer, and that funds are available, is necessary to fulfill this requirement. This indication must be in the form of an executed purchase contract, or in the case of a gift, an acceptance of pending gift or other similar means to extinguish the Developments Rights, and must be presented as part of the Final Plat Application.

3. Provide proof of the common ownership of SCTM#1000-73-1-1 and SCTM#1000-73-2-4 to the satisfaction of the Town Attorney's Office.
4. Prove how the lot labeled Magistro Family, LLC (SCTM#1000-73-2-1) has access other than over the "farm road" on the subject property (SCTM#1000-73-2-4). If the Magistro Family, LLC (SCTM#1000-73-2-1) has an easement over the subject property, the easement must be taken out of the 80/60 Conservation Subdivision calculation as unbuildable lands pursuant to 240-10 (B) (2) (b) (7).

In addition, if an easement does not exist over the subject property, and the residential driveway (farm road) is to remain in use, this area must be added to the 20% Development Area and deducted from the required 80% Open Space, as residential driveways are not permissible in the Open Space Area.

This area will also be excluded from the calculation for the Development Rights Sale.

5. All residential driveway areas located outside the rights-of-way on the western corner of the east parcel must be relocated to the area within the described rights- of-way.

Additionally, the inside boundary of the turn located in the 16' right-of-way should be modified with a 25' arc to allow for a safe turning radius. This 25' arc area must be added to the 20% Development Area and deducted from the required 80% Open Space as residential driveways are not permissible in the Open Space Area.

This area will also be excluded from the calculation for the Development Rights Sale.

6. Show the amount of Subdivision Open Space created on the Final Plat and note that Buffer Areas 1 & 2 consist of a portion of that Subdivision Open Space.
7. The setbacks must meet the Town Code for the R-40 Zoning District. Pursuant to §280 Attachment 3 of the Bulk Schedule, correct the setbacks for Lots 2 – 7 to meet those required for the R-40 Zone.
8. To reduce the need for an additional road where one already exists, make an effort to gain permission from its owners to use Castle Hill Road as the right-

of-way to the proposed lots on the western property. Submit written evidence of this effort to the Planning Board.

9. If access over Castle Hill Road cannot be obtained, a landscaped buffer may be required between Camille's Way and Castle Hill Road. A shift of the road to the west may be required to provide adequate width for the vegetation. Native, drought tolerant vegetation should be required in addition to the required street trees.

The center of the cul-de-sac is also recommended to be landscaped. Maintenance of the areas should be included in a Road and Maintenance Agreement.

10. The width of the proposed private right-of-way, Camille's Way, must be 50' according to Town Highway Specifications, unless approval from the Town Highway Superintendent and the Town Board for a narrower width is obtained.
11. The ownership of Camille's Way must be determined during the Final Plat Stage.
12. Show street trees pursuant to §161-44 including size, type and specifications for placement on the Final Road and Drainage Plan.
13. Show the 150' required distance from existing adjacent property wells and sanitary systems on the Final Road and Drainage Plan. Suffolk County Department of Health approval is required for all proposed private wells and sanitary systems.
14. A shallow drainage field, as recommended by the Office of the Town Engineer, on proposed Lot 3 may be required in the Buffer Area.
15. A covenant is required to be placed on the property that restricts the use of the proposed Reserved Area located in Lot 1 for agricultural purposes only and prohibits future residential use. Additionally, the Development Area on proposed Lot 1 must be connected to the Preserved Area and not considered a separate lot.
16. A covenant is required that states "Future owners of the lots on the approved filed map are advised that the lots are subject to the noise, dust and odors normally associated with agricultural activities pursuant to Article XXII, Farmland Bill of Rights, of the Southold Town Code".
17. A covenant is required that identifies the Buffer Areas on proposed Lots 3 and 7 and states that all required plantings must be maintained by the lot owners in perpetuity or maintained in the Road and Maintenance Agreement.

18. A covenant is required stating that Dark Sky Standards (Chapter 172) are required for all structures to further preserve the night sky.

19. A covenant is required for the following Best Management Practices:

- Require the use of native, drought-tolerant plants in landscaping.
- Require only the use of organic fertilizers where the water-soluble nitrogen is no more than 20% of the total nitrogen in the mixture.
- Require a maximum of 1lb. of nitrogen per 1000 square feet in any one application, with a cumulative application of no more than 2 lbs. per 1,000 square feet per year.
- Prohibit the application of fertilizer products containing nitrogen, phosphorus, or potassium between November 1st and April 1st.
- The use of phosphorous containing lawn fertilizer is prohibited unless establishing a new lawn or soil test shows that the lawn does not have enough phosphorus. Fertilizer labels have three bold numbers. The number in the middle is the percentage of phosphorus in the product, e.g. 22-0-15. Use of products with 0.67 in the middle or lower is not restricted. Products with a number higher than 0.67 may only be used if a new lawn is being established or a soil test indicated it is necessary.

20. A Review Request Form must be submitted by the applicant to the Office of Parks, Recreation and Historic Preservation and Department of Environmental Conservation (DEC). The responses from these agencies must be submitted to the Planning Board before a State Environmental Quality Review determination can be made.

21. As indicated on the Sketch Plat Application form, Suffolk County Water is proposed to be used by the future residences. A Letter of Water Availability from the Suffolk County Water Authority must be submitted to the Planning Board.

22. Submit a Revegetation Plan for proposed Lots 2-7 that identifies the location of the areas to be revegetated, as well as the type of vegetation to be planted. Lots 2-7 should be revegetated up to 50% as per Town Code Section 240-49 Clearing. The Revegetation Plans should be submitted as separate Plot Plans, and are intended to be filed as additional pages to the filed map.

William Cremers: Second.

Chairman Wilcenski: Motion made by Pierce, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

Conditional Sketch Plat Extensions:

Chairman Wilcenski: **Baxter, William J., Jr.** - This proposal is a Standard Subdivision of a 2.38 acre parcel into 4 lots where Lot 1 = 0.62 acres, Lot 2 = 0.63 acres, Lot 3 = 0.62 acres and Lot 4 = 0.52 acres, in the Hamlet Business Zoning District. The property is located at 260 Griffing Street, on the northeast side of Griffing Street, approximately 402 feet west of the Main Road in Cutchogue. SCTM#1000-102-5-9.4

James H. Rich III: Mr. Chairman I offer the following:

WHEREAS, this proposed Standard Subdivision is to subdivide a 2.38 acre parcel into 4 lots where Lot 1 equals 0.62 acres, Lot 2 equals 0.63 acres, Lot 3 equals 0.62 acres and Lot 4 equals 0.52 acres. The parcel is located in the Hamlet Business Zoning District; and

WHEREAS, the Southold Town Planning Board granted an Extension of Sketch Plat Approval for six (6) months from June 7, 2015 to December 26, 2015 upon the map prepared by Nathan Taft Corwin, III, Land Surveyor, entitled "Yield Map prepared for William J. Baxter, Jr. situated at Cutchogue", dated September 15, 1998 and last revised May 17, 2011; and

WHEREAS, on December 26, 2015, the Extension of Sketch Plat Approval expired; therefore, be it

RESOLVED, that the Southold Town Planning Board hereby **grants an Extension of Sketch Plat Approval for six (6) months from December 26, 2015 to June 23, 2016** upon the map prepared by Nathan Taft Corwin, III, Land Surveyor, entitled "Yield Map prepared for William J. Baxter, Jr. situated at Cutchogue", dated September 15, 1998 and last revised May 17, 2011.

William Cremers: Second.

Chairman Wilcenski: Motion made by Jim, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

Conditional Final Plat Determinations:

Chairman Wilcenski: Cutchoque Business Center - This proposal is a Standard Subdivision of a 6.10 acre parcel into five lots where Lot 1 equals 1.29 acres, Lot 2 equals 0.92 acres, Lot 3 equals 1.47 acres, Lot 4 equals 0.92 acres, and Lot 5 equals 1.06 acres, located in the Light Industrial Zoning District. The property is located at 12820 Oregon Road, on the corner of Cox Lane & Oregon Road, Cutchoque. SCTM#1000-83-3-4.6

Martin Sidor: Let the record show that I am recused for this application.

Chairman Wilcenski: Please note that Member Sidor is recused from this project.

William Cremers:

WHEREAS, this proposal is a Standard Subdivision of a 6.10 acre parcel into five lots where Lot 1 equals 1.29 acres, Lot 2 equals 0.92 acres, Lot 3 equals 1.47 acres, Lot 4 equals 0.92 acres, and Lot 5 equals 1.06 acres, located in the LI Zoning District; and

WHEREAS, on November 7, 2014, the agent submitted a Letter of Water Availability from the Suffolk County Water Authority; and

WHEREAS, on November 7, 2014, the agent submitted a Final Plat Application which included a Final Plat Application form, a \$500.00 Application Fee, 12 Final Plats and 5 Road & Drainage Plans; and

WHEREAS, on November 17, 2014, the Planning Board, at their Work Session, reviewed the Final Plat Application and found it incomplete with items required by Conditional Preliminary Plat Approval to be submitted; and

WHEREAS, on December 3, 2014, the Planning Board, at their Work Session, reviewed and accepted templates created by Staff for the Covenants & Restrictions and Open Space Conservation Easement; and

WHEREAS, on December 16, 2014, the Office of the Town Engineer reviewed the submitted Road & Drainage Plan and submitted a report for Planning Board review; and

WHEREAS, on December 24, 2014, the agents submitted revised Final Plats, Road & Drainage Plans and a draft Performance Bond Estimate; and

WHEREAS, on January 13, 2015, the applicant's attorney submitted a draft Road & Maintenance Agreement and Cross Access Easement; and

WHEREAS, on January 23, 2015, a referral was sent to the Office of the Town Engineer for review of the submitted draft Bond Estimate; and

WHEREAS, on February 9, 2015, the Planning Board, at their Public Meeting, issued an Extension of Preliminary Plat Approval; and

WHEREAS, on February 11, 2015, the Cross Access Easement and Road & Maintenance Agreement were sent to the Office of the Town Attorney for review; and

WHEREAS, on February 12, 2015, the Planning Board, at their Work Session, reviewed the applicant's requested revisions to the Covenants & Restrictions template and agreed to revisions; and

WHEREAS, on February 18, 2015, the Office of the Town Engineer submitted a revised Bond Estimate for Planning Board review; and

WHEREAS, on February 23, 2015, the agent submitted a letter requesting that the Planning Board eliminate the required evergreen plantings in the Open Space Easement Area; and

WHEREAS, on March 2, 2015, the Planning Board, at their Work Session, reviewed the applicant's request to eliminate the required evergreen plantings in the Open Space Easement Area and agreed to wait until the submission of a Site Plan for Lots 2 and 3 to discuss the requirement of trees in the Open Space Conservation Easement Area; and

WHEREAS, on March 2, 2015, the Planning Board, at their Work Session, reviewed and agreed upon alternate setbacks as this subdivision is clustered. The alternate setbacks were granted to allow for flexibility of location for future buildings. The Board found this to be beneficial to the Town's future economic development due to this parcel being located in the Light Industrial Zoning District; and

WHEREAS, on April 16, 2015, the Office of the Town Engineer submitted a revised Bond Estimate showing the elimination of the evergreen plantings; and

WHEREAS, on May 1, 2015, the agent submitted revised Final Plat and Road & Drainage Plans to show the correct lot setbacks; and

WHEREAS, on May 1, 2015, the agent submitted a request for a 90 day Extension of Conditional Preliminary Plat Approval; and

WHEREAS, on May 13, 2015, a referral was sent to the Office of the Town Engineer to review the revised Road and Drainage Plan; and

WHEREAS, on May 14, 2015, the Office of the Town Attorney sent a letter to the applicant's attorney requesting that templates for the Road & Maintenance Agreement and the Access Easement be reviewed and completed; and

WHEREAS, on May 18, 2015, the applicant's agent sent a letter questioning how the bond should be submitted for Planning Board review; and

WHEREAS, on May 21, 2015, a letter was sent to the applicant's attorney stating the Performance Bond requirement as shown in the Town Code; and

WHEREAS, on May 28, 2015, the Office of the Town Engineer responded to the referral request with comments on the Road and Drainage Plan; and

WHEREAS, on June 1, 2015 the Planning Board issued an extension of Conditional Preliminary Plat Approval; and

WHEREAS, during the months of June and July, 2015, the Office of the Town Attorney, Planning Staff and the applicant's attorney discussed and revised the Road & Maintenance Agreement and Access Easement; and

WHEREAS, on June 24, 2015, the agent submitted a Performance Bond Number 09180383; and

WHEREAS, on August 3, 2015, the Planning Board, at their Public Meeting, accepted the Performance Bond and granted an Extension of Conditional Preliminary Plat Approval; and

WHEREAS, on August 25, 2015, the Town Board accepted the Performance Bond; and

WHEREAS, on November 4, 2015, the Planning Board granted an Extension of Conditional Preliminary Approval; and

WHEREAS, on December 4, 2015, the agent submitted legal documents with required schedules for review; and

WHEREAS, on December 15, 2015, Planning Staff reviewed and sent a letter stating that not all required schedules had been submitted and requested that the missing items be submitted; and

WHEREAS, on December 21, 2015, the agent submitted all required legal document schedules; and

WHEREAS, on January 6, 2016, the agent submitted an endorsed Heath Department map; and

WHEREAS, on January 11, 2016, the Planning Board, at their Work Session, reviewed all legal document schedules and the endorsed Health Department map; and

WHEREAS, on January 11, 2016, the Planning Board found that all items pursuant to Article VII Final Plat Review have been met; be it therefore

RESOLVED, that the Southold Town Planning Board hereby grants **Conditional Final Approval** upon the map entitled "Final Plat for the Clustered Standard Subdivision of Cutchogue Business Center", prepared by Martin Donald Hand, Licensed Land Surveyor, dated September 19, 2001 and last revised July 27, 2015, subject to the following conditions to be completed prior to Final Plat Approval:

1. File all signed and approved legal documents with the Office of the Suffolk County Clerk. **The Town Supervisor must sign the Open Space Conservation Easement before it can be filed.**
2. Submission of the Administration Fee in the amount of \$11,389.00 pursuant to §240-37 Administration Fee of the Southold Town Code.
3. Confirmation of removal of the 8'x11' Metal Shed (Lot 2), Movable 8'x9' Frame Shed (Lot 2), 32'x37' Metal Frame Hut (Lot 2) and Light Pole (Lot 1).
4. Remove from the Final Plat the notation in the Open Space Conservation Easement Area "future water service". Water service extending through the Open Space Conservation Easement will negatively affect the existing vegetation that acts as a buffer to Oregon Road.
5. Add to the Final Plat the metes and bounds of the Open Space Easement Area.
6. Remove from the Final Plat all shading and hatching.
7. The Final Plat must meet all Subdivision Map Filing Requirements as outlined by the Suffolk County Clerk's Office. Please see the following link to their website for all requirements:
<http://www.suffolkcountyny.gov/Departments/CountyClerk/Maps/SubdivisionMap.aspx>
8. Submit to the Town Planning Department twelve (12) paper copies of the Final Plat and four (4) Mylar copies of the Final Plat, all endorsed by the Suffolk County Department of Health Services with their approval stamp.

James H. Rich III: Second.

Chairman Wilcenski: Motion made by Bill, seconded by Jim. Any discussion? All in favor?

Ayes.

Motion carries.

Set Preliminary Plat Hearings/ SEQRA Type Classifications:

Chairman Wilcenski: Ridgway - This proposal is to subdivide a 9.6 acre parcel into 3 clustered lots where Lot 1 equals 4.3 acres inclusive of 3.8 acres of open space and 1.4 acres of unbuildable land, Lot 2 equals 1.6 acres and Lot 3 equals 3.7 acres inclusive of 2.0 acres of Open Space and 0.8 acres of unbuildable land. The parcel is located in the R-80 Zoning District. The property is located at 1588 Fox Avenue, on the west side of Fox Avenue and adjacent to Hay Harbor, on Fishers Island. SCTM#1000-6-1-3

Martin Sidor:

WHEREAS, this proposal is to subdivide a 9.6 acre parcel into 3 clustered lots where Lot 1 equals 4.3 acres inclusive of 3.8 acres of Open Space and 1.4 acres of unbuildable land, Lot 2 equals 1.6 acres and Lot 3 equals 3.7 acres inclusive of 2.0 acres of Open Space and 0.8 acres of unbuildable land; and

WHEREAS, the Southold Town Planning Board, pursuant to State Environmental Quality Review Act (SEQRA) 6 NYCRR, Part 617, has determined that the proposed action is an Unlisted Action as it does not meet any of the thresholds of a Type I Action, nor does it meet any of the criteria on the Type II list of actions; be it therefore

RESOLVED, that the Southold Town Planning Board has determined that this proposed action is an **Unlisted Action** under SEQRA as described above.

William Cremers: Second.

Chairman Wilcenski: Motion made by Martin, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

Martin Sidor: And be it further

RESOLVED, that the Southold Town Planning Board sets Monday, February 8, 2016 at 6:01 p.m. for a Public Hearing upon the map entitled "Ridgway Standard Subdivision Prepared for EPR Fishers Island Trust - Preliminary Plat", prepared by Richard H. Strouse, PE, Licensed Land Surveyor and Professional Engineer, dated December 11, 2002 and last revised June 10, 2015.

William Cremers: Second.

Chairman Wilcenski: Motion made by Martin, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

BOND DETERMINATIONS

Approve Cash Bond:

Chairman Wilcenski: Zuckerberg, Lloyd P. - This approved subdivision was an 80/60 clustered Conservation Subdivision on 32.83 acres of land. Lot 1 equals 65,562 sq. ft., Lot 2 equals 77,694 sq. ft., and Lot 3 equals 29.5416 acres and was preserved through a Sale of Development Rights to the Town of Southold. The property is located at 2350 Wells Road, on the southwest corner of Wells Road and NYS Route 25, in Peconic. SCTM#1000-86-1-10.9

Pierce Rafferty: Mr. Chairman, I offer the following:

WHEREAS, this approved subdivision is an 80/60 clustered Conservation Subdivision on 32.83 acres of land. Lot 1 equals 65,562 sq. ft., Lot 2 equals 77,694 sq. ft., and Lot 3 equals 29.5416 acres and is preserved through a Sale of Development Rights to the Town of Southold; and

WHEREAS, on December 15, 2009, the agent submitted a Draft Bond Estimate in the amount of \$43,295.00; and

WHEREAS, on December 21, 2009, the Office of the Town Engineer agreed to the Bond Estimate in the amount of \$43,295.00 submitted by the applicant's agent; be it therefore

RESOLVED, that the Southold Town Planning Board hereby **accepts the Draft Bond Estimate for Lloyd P. Zuckerberg** in the amount of \$43,295.00.

James H. Rich III: Second.

Chairman Wilcenski: Motion made by Pierce, seconded by Jim. Any discussion? All in favor?

Ayes.

Motion carries.

Pierce Rafferty: And be it further

RESOLVED, that the Southold Town Planning Board hereby accepts a **Cash Bond submitted by the agent in the amount of \$43, 295.00 and recommends the same to the Southold Town Board.**

William Cremers: Second.

Chairman Wilcenski: Motion made by Pierce, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

SITE PLANS

Determinations:

Chairman Wilcenski: Soundside Landscape, Inc. - This Site Plan Application is for the proposed construction of an 80' x 40' (3,200 sq. ft.) commercial building for a landscape contractor's yard on 0.93 acres in the Light Industrial Zoning District. The property is located at 67575 Route 25, ±275' s/w/o Albertson Lane and NYS Rt. 25, Greenport. SCTM#1000-52-5-58.3

James H. Rich III: Mr. Chairman I offer the following:

WHEREAS, this Site Plan Application is for the proposed construction of an 80' x 40' (3,200 sq. ft.) commercial building for a landscape contractor's yard on 0.93 acres in the Light Industrial Zoning District, Greenport; and

WHEREAS, on December 17, 2014, Gerard Orientale, owner, submitted a Site Plan Application for review; and

WHEREAS, on January 12, 2015, the Planning Board formally accepted the application as complete for review but in need of revision; and

WHEREAS, on January 16, 2015, the applicant submitted the information and revisions as required; and

WHEREAS, on January 29, 2015, the Planning Board, pursuant to Southold Town Code §280-131 C., distributed the application to the required agencies for their comments; and

WHEREAS, the proposed action is exempt from Suffolk County Planning Commission review because the proposed action is less than 5,000 sq. ft. of new floor area; and

WHEREAS, on February 6, 2015, the Southold Town Fire Inspector reviewed and determined that there was adequate fire protection and emergency access for the site; and

WHEREAS, on February 9, 2015, the Greenport Fire District determined there was adequate fire protection for the site; and

WHEREAS, on February 9, 2015, a public hearing was held and closed; and

WHEREAS, on February 13, 2015, the Town of Southold LWRP Coordinator reviewed the above-referenced project and has determined the proposed project to be consistent with Southold Town LWRP policies; and

WHEREAS, on February 19, 2015, the Architectural Review Committee reviewed the proposed project and approved it as submitted; and

WHEREAS, on March 6, 2015, the Southold Town Engineer reviewed the above-referenced application and determined that the proposed drainage meets the minimum requirements of Chapter 236 for Storm Water Management; and

WHEREAS, at their Work Session held on March 9, 2015, the Southold Town Planning Board required revisions to the proposed Site Plan; and

WHEREAS, on March 9, 2015, the Southold Town Planning Board, pursuant to State Environmental Quality Review Act (SEQRA) 6 NYCRR, Part 617, determined that the proposed action is an Unlisted Action as it does not meet any of the thresholds of a Type I Action, nor does it meet any of the criteria on the Type II list of actions; and

WHEREAS, on March 30, 2015, Gerard Orientale, owner, submitted a revised Site Plan that included specific requirements of the Planning Board; and

WHEREAS, April 6, 2015, the Southold Town Planning Board, as Lead Agency pursuant to SEQRA, made a determination of non-significance for the proposed action unlisted and granted a Negative Declaration; and

WHEREAS, on April 8, 2015, the Zoning Board of Appeals (ZBA) granted the Area Variances for nonconforming front and rear yard setbacks as applied for in File #6822 with two (2) conditions: (1) Southold Town Planning Board Site Plan Approval is required; (2) The applicant will establish vegetative screening along NYS Rt. 25 as shown on the Site Plan; and

WHEREAS, on April 20, 2015, the Planning Board reviewed the revised Site Plan and determined that approval from the Suffolk County Department of Health Services (SCDHS) remains outstanding; and

WHEREAS, on May 13, 2015, the Southold Town Chief Building Inspector reviewed and certified the proposed contractor's yard as a permitted use in the Light Industrial Zoning District; and

WHEREAS, on December 5, 2015, the Suffolk County Department of Health Services (SCDHS) granted Approval Reference #C10-15-0007 for "Industrial Storage Building" at 128 gallons per day; and

WHEREAS, on December 21, 2015, the Southold Town Planning Board determined that all applicable requirements of the Site Plan Regulations, Article XXIV, §280 – Site Plan Approval of the Town of Southold, have been met; therefore be it

RESOLVED, that the Southold Town Planning Board has determined that this proposed action is consistent with the policies of the Town of Southold Local Waterfront Revitalization Program.

William Cremers: Second.

Chairman Wilcenski: Motion made by Jim, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

James H. Rich III: And be it further

RESOLVED, that the Southold Town Planning Board **approves the Site Plan with one (1) condition** entitled "Soundside Landscaping Inc.", prepared by DAK Associates, LLC, dated October 31, 2014 and last revised March 4, 2015, and authorizes the Chairman to endorse the Site Plan including the following two (2) plans:

1. SP – 1: Site Plan
2. GN – 1: General Notes

Condition:

Any free-standing sign for the business must be approved by the Planning Board prior to a Sign Permit being issued for this site.

William Cremers: Second.

Chairman Wilcenski: Motion made by Jim, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

PUBLIC HEARINGS

Chairman Wilcenski: 4:31 p.m. - Verizon Wireless at East Marion Fire District -

This Amended Wireless Communications Application is for a proposed Verizon Wireless co-location of an interior mounted antenna within the concealment cylinder between 90' and 100' above ground level of the approved 110' antenna support structure/tower with a diesel generator, associated ground equipment and additional landscaping behind the existing firehouse. There are ±9,800 sq. ft. of existing buildings including the main fire house and associated accessory structures, all on 3.1 acres in the R-40 and Hamlet Business Zoning Districts. The property is located at 9245 NYS Route 25, ±525' w/o Stars Road & NYS Rt. 25, in East Marion. SCTM#1000-31-3-11.31

William Cremers: Let the record show that I am recusing myself from this application.

Chairman Wilcenski: Please make a note that Member Cremers is recused. At this time I would like to ask anyone in the audience if they'd like to address the Board on Verizon Wireless at East Marion Fire District. Please step to one of the podiums, state your name and write your name for the record.

Denise Vista: Mr. Chairman and members of the Planning Board, Denise Vista with Amato Law Group, I am here on behalf of the applicant in the event that you have any questions or anyone in the audience has any questions.

Chairman Wilcenski: Thank you, please write your name. Would anyone else like to address the Planning Board on Verizon at East Marion Fire District? Anyone? Seeing none.

James H. Rich III: I make a motion to close the hearing.

Martin Sidor: Second.

Chairman Wilcenski: Motion made by Jim, seconded by Martin. Any discussion? All in favor?

Ayes.

Motion carries.

Thank you.

Martin Sidor:

WHEREAS, this Amended Wireless Communications Application is for a proposed Verizon Wireless co-location of an interior mounted antenna within the concealment cylinder between 90' and 100' above ground level of the approved 110' antenna support structure/tower with a diesel generator, associated ground equipment and additional

landscaping behind the existing firehouse. There are ±9,800 sq. ft. of existing buildings including the main fire house and associated accessory structures, all on 3.1 acres in the R-40 and Hamlet Business Zoning Districts; and

WHEREAS, on August 25, 2015, pursuant to §280-74A(4) of the Town Code, the Planning Board entered into a Letter of Agreement with CityScape Consultants, Inc. to assist the Board in reviewing and evaluating the proposed Wireless Application to co-locate; and

WHEREAS, on October 19, 2015, Denise Vista, Esq., agent, submitted a Site Plan Application for review; and

WHEREAS, on November 5, 2015, the Planning Board found the application incomplete for review; and

WHEREAS, on November 19, 2015, the applicant submitted the remainder of the Application Fee for review; and

WHEREAS, on December 7, 2015, the Southold Town Planning Board pursuant to State Environmental Quality Review Act (SEQRA) 6 NYCRR, Part 617, determined that the proposed action is an Unlisted Action as it does not meet any of the thresholds of a Type I Action, nor does it meet any of the criteria on the Type II list of actions; and

WHEREAS, pursuant to SEQRA 6 NYCRR Part 617, the Planning Board performed an uncoordinated review of the Unlisted Action; and

WHEREAS, on December 11, 2015, the Planning Board received a report from their Technical Consultant, CityScape Consultants, Inc., regarding the proposed co-location; and

WHEREAS, on December 21, 2015, the Planning Board formally accepted the application as complete for review; and

WHEREAS, on December 28, 2015, the Planning Board, pursuant to Southold Town Code §280-131 C., distributed the application to the required agencies for their comments; and

WHEREAS, the proposed action is exempt from Suffolk County Planning Commission review because the proposed action is less than 5,000 sq. ft. of renovated floor area or less than 10,000 square feet of land disturbance; and

WHEREAS, on December 29, 2015, the Southold Town Fire Inspector reviewed and determined that there was adequate fire protection and emergency access for the site; and

WHEREAS, on January 5, 2016, the Southold Town Chief Building Inspector reviewed and certified the proposed Wireless Communication Facility as a permitted use in the R-40 Zoning District; and

WHEREAS, on January 6, 2016, the Office of the Town Engineer determined the existing site to be in accordance with Chapter 236 and that the proposed action does not require additional storm water management controls; and

WHEREAS, on January 11, 2016, a public hearing was held and closed; and

WHEREAS, the Southold Town Planning Board, pursuant to Southold Town Code §280-131 B (5), has the discretion to vary or waive the parking requirements for Site Plan Applications where doing so would not have a detrimental effect on the public health, safety or general welfare, and will not have the effect of nullifying the intent and provision of the Site Plan Requirements chapter of the Town Code. The Planning Board has found that this application is eligible for a waiver of the parking requirements because the proposed co-location does not generate the need for parking, with exception of a single vehicle periodically; there is ample existing parking on the East Marion Fire District site; and

WHEREAS, at a Work Session held on January 11, 2016, the Planning Board reviewed the report issued by CityScape Consultants including the recommendation of three (3) conditions; and

WHEREAS, on January 11, 2016, the Southold Town Planning Board determined that all applicable requirements of the Site Plan Regulations, Article XXIV, §280 – Site Plan Approval of the Town of Southold, have been met; therefore, be it

RESOLVED, that the Southold Town Planning Board hereby waives the parking requirements as noted above.

James H. Rich III: Second.

Chairman Wilcenski: Motion made by Martin, seconded by Jim. Any discussion? All in favor?

Ayes.

Motion carries.

Martin Sidor: And be it further

RESOLVED, that the Southold Town Planning Board, as Lead Agency pursuant to SEQRA, hereby makes a determination of non-significance for the proposed action and grants a Negative Declaration.

James H. Rich III: Second.

Chairman Wilcenski: Motion made by Martin, seconded by Jim. Any discussion? All in favor?

Ayes.

Motion carries.

Martin Sidor: And be it further

RESOLVED, that the Southold Town Planning Board **approves the Site Plan with three (3) conditions** entitled "Verizon Wireless at East Marion", prepared by Neil Alexander Macdonald, WFC Architects, dated February 18, 2015 and last revised September 23, 2015, and authorizes the Chairman to endorse the Site Plan including the following seven (7) plans:

3. T-100.00: Title Sheet
4. SP-100.00: Site Plan, Key Map and Notes
5. A-100.00: Enlarged Equipment Plan West Elevation and Details
6. A-101.00: Canopy Framing Plan and Details
7. A-102.00: Antenna and Equipment Info.
8. E-100.00: Electrical Riser Diagram and Details
9. E-101.00: Grounding Plan and Info.

Conditions:

1. **All of the applicant's feed lines/cables shall be installed inside the monopole structure; and**
2. **All ports shall remain sufficiently sealed to prevent access by birds and other wildlife; and**
3. **The facility shall remain secured and protected from unauthorized personnel.**

James H. Rich III: Second.

Chairman Wilcenski: Motion made by Martin, seconded by Jim. Any discussion? All in favor?

Ayes.

Motion carries.

Chairman Wilcenski: 4:32 p.m. - Biggane & Yenicay - This proposed Lot Line Change will transfer 1.2 acres from SCTM#1000-95-1-11.2 to SCTM#1000-83-1-33 & 34. Lot 11.2 will decrease from 19.7 acres to 18.5 acres. Lot 33 will increase from 1.9 acres to 2.5 acres, and Lot 34 will increase from 2.1 acres to 2.6 acres located in the R-80 & AC Zoning Districts. This project includes the proposed sale of Development Rights to the Town of Southold upon 18.57 acres located on SCTM#1000-95-1-11.2. The property is located at 8865, 8869 and 8871 Oregon Road, on the north side of Oregon Road, approximately 525' west of Duck Pond Road, in Cutchogue.

At this time I would like to open the floor up to anyone that would like to address the Board on Biggane & Yenicay. Please address your comments to the Board, anyone? Seeing none.

William Cremers: I make a motion to close the hearing.

James H. Rich III: Second.

Chairman Wilcenski: Motion made by Bill, seconded by Jim. Any discussion? All in favor?

Ayes.

Motion carries.

Heather Lanza: Sorry to interrupt, there was an error in mailing and the hearing needs to be held open.

Chairman Wilcenski: For the record I need a motion to hold the Biggane & Yenicay hearing open until next month, there was not proper notification per the green cards.

James H. Rich III: Motion made to keep the hearing open.

Martin Sidor: Second.

Chairman Wilcenski: Motion made by Jim, seconded by Martin. Any discussion? All in favor?

Ayes.

Motion carries.

Chairman Wilcenski: 4:34 p.m. - The Heritage at Cutchogue - This proposed Residential Site Plan is for the development of 124 detached and attached dwellings classified in three types: 48 "Type A" units (1,999 +/- sq. ft. livable area), 72 "Type B" units (1,599 +/- sq. ft. livable area) and 4 "Type C" units (1,999 +/- sq. ft. livable area). In addition, there are proposed the following: a 6,188 sq. ft. community center with a

±1,125 sq. ft. outdoor swimming pool, one tennis court, 284 parking spaces of which 256 are associated with the individual dwelling units and 28 are associated with the community center, and various other associated site improvements, on a vacant 46.17-acre parcel in the Hamlet Density (HD) Zoning District located at 75 Schoolhouse Road, on the n/w corner of Griffing Street and School House Road, approximately 1,079 feet n/o the Main Road, in Cutchogue. SCTM#1000-102-1-33.3

At this time I would like to make a few comments, I please ask everyone, I am sure there are plenty of people who want to speak, and everyone will have the chance to speak, please when you step to the podium, direct your comments to the Planning Board and write your name after you finish speaking so we can keep this moving. There are two podiums and two sign in sheets at each podium. At this point the floor is open to any comments. I'm sorry, I'd like to ask John Wagner, the representative for the applicant to address the Board.

John Wagner: Good afternoon members of the Board my name is John Wagner. I'm an attorney with Certilman, Balin, Adler & Hyman office is in Hauppauge New York. I am here tonight representing the applicant; I'd just like to make just a brief introduction to the project for everybody who is here. Do you have the slides by any chance? Please bring up the first one. I have brought a few representative slides for you to just give you some background on this application. What you see there is the overall site plan that is presently before the Town and is the subject of the Draft Environmental Impact Statement that's also up for hearing tonight. The area of this property is 45.99 acres; the property has been zoned hamlet density residential since 1989. There have also been a number of Hamlet studies that have been prepared for Cutchogue, which are available on the Town's website and make certain specific recommendations for the Cutchogue Hamlet and we believe this project is consistent with those recommendations. This particular application that is before you tonight actually dates back to June of 2002 when it was first filed. It was refiled in June of 2005 after some moratoria were put in place and eventually expired. This application has been the subject of a full Environmental Impact Statement process throughout its history, the last EIS process was back in 2008 timeframe and I will note that in 2009 certain code changes were made to the Southold code. At that time the applicant was proposing 139 units on this site, parenthetically the zoning on the site would allow up to 200 units on the site, so 139 even as proposed in 2009 was a reduced density project. Since the code changes in 2009, there was obviously litigation which I believe the Board is aware of, that litigation concluded in a Stipulation of settlement which was so ordered by the Supreme Court in September of 2014. Significantly the Stipulation of Settlement imposes parameters, upward parameters if you will, on the development of this site, which are the ceilings that we have been working under with a proposed redevelopment of the site in accordance of that Stipulation. Just to give you what some of those are, the Stipulation allows no more than 130 units on the site, after completion of all development phases and provides that those must be condominium units, which actually is consistent with the recommendations of the hamlet studies for the area. The Stipulation further provides that we are to have no more than 245,000 square feet of livable floor area as defined in the code, and we are also to set aside at least 50% of the

property as open space. It also provides that we are to give a covenant and restriction limiting occupancy of the units, based upon certain age restrictions that are set forth specifically. The amended site plan application that is the subject of the hearing tonight was actually submitted of January of last year, January 2nd and was revised and resubmitted in July of last year after receiving comments from the Planning staff and the Planning Board we made a number of modifications to our proposal from January and what you see there is the product of these modifications and the comments we have received, that plan also is the subject of the DEIS as I mentioned earlier. Essentially this proposal that you have up there right now is now proposed 130 units, which is down from the 139 we were proposing a few years ago. They are also condo units again consistent with the Stipulation as noted by the chairman in addition to the residential units that are being proposed we are also proposing a clubhouse, a pool and a tennis court as amenities for the units. We're required to provide 50% minimum open space and in fact we are providing that on this particular plan. I wanted to give you an idea of some of the dimensions that we have incorporated into our plan because I think they're important in terms of how sensitive we're being to the surrounding neighborhood. We are allowed up to 2 ½ stories in height under zoning and we are proposing 2 stories in height on these units. Can you just move ahead and let's see some of the buildings?

Chairman Wilcenski: Excuse me Mr. Wagner I just wanted to clarify one thing, you had just said in your previous statement 130 units and I believe it is 124 units that is being proposed.

John Wagner: Yes, I'm sorry I should have clarified that. We are allowed 130 units under the Stipulation, we're actually proposing 124. Thank you for that correction.

Chairman Wilcenski: Thank you.

John Wagner: The reason for that is we are adhering to 50% open space requirements and it actually reduces our unit count somewhat. Okay so you see the color photo, it is a representation of the types of units that we're looking to provide on the site, as indicated earlier we're looking at detached and attached units. Of significance, one of the other things in the Stipulation that I didn't mention yet is we're also required to provide sanitary disposal for the units in a cluster type arrangement. Although our project is fully compliant with Suffolk County Department of Health standards we have also indicated that we would provide sort of a clustered arrangement anywhere from 2 to 4 of the units will be sharing the same septic system, which is allowable by Suffolk County standards. I should also note that as we have indicated in our DEIS, we are in constant dialogue with the Department of Health with regard to possible alternative technologies that may come online at the Health Department in the foreseeable future. We know, for example, that they are in the process right now of pilot testing a number of alternative technology systems. Those systems are not yet approvable by Suffolk County, the idea is the Suffolk County will be gathering data from the pilot studies and will eventually add to their list of approvable systems. We have consistently indicated our willingness as the applicant to consider these systems as they come online, to the extent that we can employ technologies that reduce the ordinary nitrogen loading from

single septic systems we will employ those technologies as feasible. We do not require a sewage treatment plan under the County health standards. There was an STP that was provided in a previous iteration of the project on the site, but with the reduced unit count and the technologies and clustered systems that we're using, we do not require the STP and it would not be feasible on this site. Going back to some of the dimensional requirements, I just want to point out that although we are allowed 25% lot coverage on the site we're actually proposing 16.92%, almost 10% less. Buffers and setbacks, we're fully compliant with what's required in the Hamlet Density zone. As far as yards, and this is significant, the front yard is required to be a minimum of 35 feet, we're actually providing almost ten times the amount, 305.7 feet is on our plan. The rear yard, likewise, is supposed to be a minimum of 35 feet and we're providing a minimum of 75 feet. The side yards, and this is also very important, the side yard provided for in the code is a minimum of 15 feet or 30 feet total side yards, we are actually providing a minimum of 79.4 feet and a total of side yards, a minimum total of side yards of 180.9 feet. Now included in those numbers we're providing 101.5 feet building setback from the west property line, that's significant because that is the Highland Road neighborhood to our west, so we're providing the maximum setback on the site from that existing residential community, to give those people as much privacy as we can. We're also providing a 79.4 foot setback from the east property line, which is currently undeveloped, it's an agricultural use I believe but it may be developed unit the future, and again we're far exceeding the required set back from that side. That's really all I have to say right now, if there are any questions that the Board has I'm available, the applicants team is here as well, several significant members that prepared the DEIS materials, so if anything comes up in the course of tonight's comments that you'd like answers to please feel free to call upon me.

Chairman Wilcenski: Okay, thank you. At this time again I'd like to open the floor up but I have a couple of comments. We would like everyone obviously here to have to chance to speak so when you speak please address the Board, don't address the audience, address the Board and when you get to the podium please start speaking and write your name when you are finished. There are two podiums that we can use, and the last thing I would like to say is that if you have spoken, please give everyone else a chance in the room to speak before you decide to get up a second time. Okay so at this point I would like to, I'll start on this side of the room and begin.

Benja Schwartz: Good evening.

Chairman Wilcenski: Everyone please speak into the microphone so we can all hear clearly, thank you.

Benja Schwartz: Benja Schwartz, and I have a letter from Nancy Sawastynowicz, we actually combined our letters into one and then cut it in half, eventually I'll give you the copy of the complete letter but I'd just like to touch on some highlights. This public hearing today, right now is pursuant to the New York State Environmental Quality Review Act and is the first time the public has been permitted to speak on this stage of this application but it's a continuation of the State Environmental Quality, SEQRA

process which began over 32 years ago. In 1983 in the beginning was clearly based on false answers to a short environmental assessment form, in 1980's Southold Planning Board objected to the corrupt actions of the Town Board, I don't know if they called them corrupt. For the Town Board to say that this project would affect less than 10 acres of land when it's almost a 50 acre parcel that will be developed, every single of the 15 questions in that environmental assessment form was answered no, and at least 10 of them should have been yes. Anyway in the 80's the Southold Planning Board required an environmental impact statement, I'm not going to get into all the details, there was a lawsuit the Town won. Anyway tonight the Planning Board is leading the way again, except at this time the appearance is that the Town Board, the Planning Board is conspiring with the Town Board now to ram through this Site Plan approval. I appreciate all the work that's been done on this plan but I don't appreciate, seems how the previous Site Plan Application was denied, none of the parties to that so called Stipulation of Settlement, SOS, not the Town Board, not the Planning Board not the developer, not the property owner nor a court has any authority to resume the SEQRA process by accepting a revised DEIS based on a prior scope developed over 5 years ago by a Planning Board under a different Chairman with different members. So with all due respect I object to proceeding without including whatever the public want to bring up but the scope has been reduced pursuant to that Stipulation of Settlement and pursuant to the scheduling of this application by the Planning Board. This proposal made no sense 30 years ago, it makes less sense now. If approved the local and regional impacts of the proposed development will change everything we love about the North Fork. Sewage today is much worse than it was 30 years ago, proposed addition of 37 cesspools, one serving a clubhouse, the other serving between 2 and 4 units each cesspool, not going to help. The sewage issue is very closely related to the issue of freshwater supply, I think these issues should be combined and considered as water supply and return. Despite having spent quite a while reviewing dozens of studies going back over 40 years I was unable to find a single study that considered the impacts of importing water on increasing the amount of sewage produced on the North Fork and the Town of Southold. And considering Suffolk County Water Authority has done some calculations using local water from local wells here they estimate it will cost over 6 times the amount of water that they can take from wells in western Suffolk. They seem to think they have an unlimited supply of clean water there, I don't agree. Traffic in Cutchogue is much worse today than 30 years ago, the developers repeated assertions that the proposed development is not going to cause any significant adverse traffic impact is nonsense. Even the developer admits there may be reduction in service and proposes a possible addition of a stoplight. Addition of a stoplight is a significant traffic impact if you live in Cutchogue. Although in the DEIS the developer admits that the proposed development includes greater density than any of the densities existing already in the immediate vicinity, somehow the DEIS comes up with the conclusion that the proposed development will blend in seamlessly. If this Site Plan is approved the current mix of rural and suburban will be tipped by the addition of a new high density urbanized area, it will change the character of Cutchogue Hamlet, Southold Town, the North Fork. Rather than expanding the current community, these plans call for creating a separate community. People who said they want to live in the proposed development because they love this place, don't make sense. Developing a massive group of luxury

condominiums will change this place. Sadly the affordable residential areas on Schoolhouse Road will be degraded. These plans, in these plans the developer has chosen to pay money instead of including affordable houses or units in the proposed development. This choice reveals the true character of these people who call the Heritage of Cutchogue, the Heritage at Cutchogue and they want to sell and buy it. The master plan of Southold Town is not much better than it was 30 years ago. Contrary to claims of the property owner, developer and supporters of the proposal there is no vested right to develop high density residential use on the subject property. To say that the zoning allows 200 units would be funny if this was not serious. Unlike an application for building permit, which requires no variance, approving a Site Plan is not a ministerial act. As government officials you the members of the Planning Board, as a group, are charged with exercising discretion to review this Site Plan and determine whether to approve or deny this application, nothing is settled yet. Under our American constitution, legal authority for government to act to protect the public safety, health and welfare has its roots in two common law principals; use that which is yours so is not to injure others and the health of the people shall be the supreme law. As the lead agency please take a hard look at the potential impacts before approving any environmental impact statement for this project. As the Planning Board, please do not accept this proposal which is obviously designed to maximize profit for one property owner at the expense of the real community of Cutchogue. If it doesn't fit, please tell them to quit. You have the authority and the duty to use it wisely. Thank you for your consideration and anticipated attention to these issues. Are there any questions?

Chairman Wilcenski: Do any Board members have any questions for Mr. Schwartz?
No questions.

Benja Schwartz: I did a lot of research, and I'll submit.

Chairman Wilcenski: Thank you, thank you for your comments. Yes.

Bill Toedter: Yes my name is Bill Toedter and I currently serve as the president of the North Fork Environmental Council. This is hardly a basic or simple project or process, complicated by the court battles and legal stipulations but rather than rehash what's done, lets focus on what needs to be done. NFEC members have reached out and expressed their feelings that there is a need for alternative housing. Many people in their 50's and 60's and beyond find themselves in a home that's too large, too costly for just one or two people and want to downsize, find an affordable option that will allow them to stay here. I can't speak to the affordability to this project, but the rub of our members also tell us that they want to live in a place that values and protects the very things that brought them here in the first place. The natural beauty of the north fork, its abundant wildlife, the slower pace of life, its rural corridors, the protected open space, the clean waters and it's to these issues I can and must speak to. There are some basic facts that this Board, this town government and this community must address with regards to this project and how it fits within not only our personal vision but also within the Town's comprehensive plan. Currently Southold enjoys a residential housing density of about .5 homes per acre, or one home for every two acres. That number is not only

important in terms of the number of people in Town but it speaks to the lands ability to deal with the wastewater we put into the ground currently. Over the years experts have said that the ideal density would be about one home per every five acres, for traditional septic systems, but when we look at this project and what it may mean to future projects in the Town the density for 120 units, 124 units on approximately 46 acres is around 2.7 units per acre, that is 5 times over the Town's current level of density. Is that a number or a trend that we can support across the town? No, especially not on antiquated septic systems. The second fact we must look at is water use, as we all know we are facing water quality issues across Long Island but we are also facing a growing water quantity concern. Simply put we're pumping out far too much water from our aquifers than is being replaced. Levels of clean water are dropping, while areas of polluted ground water and areas we're over pumping have caused salt water intrusion are growing. We are faced, we are using too much water and too little is being recharged back into the system. This project estimates a daily water use for residents of 22,500 gallons per day, but to irrigate the ground it estimates a need for almost twice that at 43,500 gallons per day. This is not the type or level of water use we can sustain on Long Island, we must demand more sustainable water use practices. At over 60,000 gallons of water added to the ground each day how water moves underground known as the hydrology will be effected. The project calls for burying arsenic and mercury tainted soils, but with the added water being introduced to the property, no one knows if these contaminates will be kept on the property or will be spread to nearby private wells. We also know there is temic and other pollutants in the ground effecting some neighbors wells. Will homes with good water today find themselves with undrinkable water in the future? As the added water effects underground flow of pollutants and who knows how long each of these changes may take. If a homeowner who has clean water for 30 years, that finds its contaminated by temic 5 years down the road, who will be held responsible? Who will pay the cost for testing and remediation? Who will make up for a drop in that properties value? And then with the water use issues, what we do with the waste water is equally important. The project calls for use of traditional septic rings, if there's nothing else we have learned in the past three years it's that Suffolk County's growing water quality issues is due to our ancient practice of putting our waste water underground, out of sight and out of mind. But as traditional septic systems do not reduce or remove nitrogen, our ground water, in other words our drinking water supplies, and the surface water, in other word the fresh and salt water ecosystems are becoming more and more polluted, we know that yet we don't demand anything be done about it. This must change. About 18 months ago the NFEC complained to the Town that building permits were routinely extended year after year with no re-examination of how conditions needs may have changed over the time. The Town changed the Code so after three years any extension requires review by the Town, however that wisdom hasn't transferred to this project application part due to the court case and its temporary resolution but the project here in 2015 is being examined and evaluated based on the water test from 2007. Please refer to appendix D testing and soil management plan pesticides report dated November 8, 2007. Now over that number of years we know that things have changed and most likely changed for the worst. So how can we or the Town make wise and informed decision based on such old data? If we look at the data which shows that in 2007 the level of nitrates in the

drinking water tested was 2.8 milligrams per liter, now under the USEPA's standard for drinking water of 10 milligrams per liter it's an acceptable level. We also know if we have healthy marine simple waters, waters that support healthy marshes to protect us from storm surges, waters that support all levels of life so that finfish and shellfish can spawn and reproduce waters that prevent the growth of large algae blooms that poison and kill fish that can be harmful for humans, we need to have nitrate levels at about 0.5 milligrams per liter. Excuse me, now we also know that 80% of the ground water flows into the marine systems surrounding Long Island. So if the 2007 number shows nitrate levels are already at 2.8 milligrams per liter, we know that we're already at levels that are poisoning our creeks and bays and all that number is sure to be higher 8 years later we also know that using 37 septic rings on this property, as stated in the application will cause further deterioration of both our ground and surface waters, everyone in this room knows that there is no other conclusion. On page 16 of the executive summary the applicant states it is anticipated that the construction of the proposed project would have a positive impact on ground water quality. This is a ridiculous and unsupportable conclusion. Developers who make unsupportable claims like this at a time when the whole of Long Island is facing dramatic declines in the water quality wonder why they have no credibility with the public, but if this Board and this Town do not act upon such claims, they too will lose credibility. Again on page 18 of the executive summary when talking about surface waters the applicant states the proposed project would have no impact on such resources. The applicant fails to understand and consider that what they do to the ground water affects the surface waters beyond its property lines, surface waters like Wickham Creek which are shared by the whole community. Is this Board and this Town going to sit idly by and let this project affect community resources in such a negative way? Lastly this project shows a disregard for the very natural resources and wildlife we all love and fight so hard to protect, as proved in the executive summary develop of the proposed project will necessitate the entire site to be cleared. Nesting sites for birds, nesting sites for bats, feeding sites for land dwellers and other animals all to be removed. Box turtles have been seen on the site and are a protected species, yet the developer admits that bulldozing the entire site will result in the loss of some slow removing animals. Why does this have to be the cost of development? Appendix X, sorry appendix S, natural resources of the application identifies a great number of protected species found on the property but we're still clearing habitat rather than protecting it. The applicant states the removal of all habitats will be mitigated by the creation of 3 manmade habitat systems, not even the New York State Department of Environmental Conservation believes that any manmade ecosystem can adequately replace a natural system. When the Town buys land to preserve as open space it doesn't clear cut the land, agricultural is kept in operation but other lands are preserved with a minimal intrusion to create passive recreation and enjoyment and maintenance pathways. Yet here all over 24 acres are to be set aside as quoted open space, the same standards as protection and minimal intrusion of the current natural habitat are not in place. They should be because we're losing native habitat to lawns which require vast quantities of water, fertilizers and pesticides, further stressing our waters. The application goes on to say that a nature trail will be put in place; tell me where is the nature once it's been bulldozed? I hate stating the obvious, but in this case I have to, you and the Town of Southold, sorry you are not the Southold Town Project Board you

are the Planning Board. It is in your responsibility to look at each project in the broader scope of the Town's character and comprehensive plan. We the public look to you to call out inaccurate and unsupportable positions, to call out an applicant who makes such outrageous statements as it's anticipated the construction of this proposed project will have a positive impact on the groundwater quality. If you don't who will? We realize that in this particular case the Town has agreed to certain stipulations in order to put aside the lawsuit, but that doesn't mean the Planning Board and the Town has to put aside the health of the environment, the health of its current and future residents and ignore critical water issues. It's also why everybody in this room must take the time to contact our legislator representative Al Krupski, as well as the Suffolk County Department of Health Services to demand that high tech nitrogen reducing wastewater treatment must be a part of this project if it is to move forward. While the Town may not be able to project this condition on the applicant, the community should. Yes, we need better home options for the young, the working and the retired, but at what cost? We welcome good developers, good neighbors who are willing to work with the Town and its residents and not ignore issues or dictate conditions. Yes it will cost more to do so, but it will cost even more, it may even be unaffordable if we keep pushing off progress and solutions to our water issues down the road. Thank you.

Chairman Wilcenski: Thank you. Just as a side note, everyone this is being recorded and everyone's concerns here will be addressed by staff and this Board over the next several months.

Bill Toedter: I would ask one thing, there are a few groups including North Fork Audubon who were not able to attend today and they were asking if the public comment period could be held open for a period of time so that written communications could be forwarded to the Board.

Chairman Wilcenski: Yes, at the end of this meeting we will be making a motion to determine that. Anyone else can step to the other mic to start, please speak first and then you can sign your name when you're finished.

Steve Tettlebach: Thank you, my name is Steve Tettlebach, I speak to you tonight as a longtime resident of Cutchogue and as a professional biologist. I have a PHD in ecology; I've been a professor and Long Island University for 30 years, I teach many courses in ecology, biology and marine biology. I regularly write and review scientific papers, proposals and well as environmental impact statements. I spent a lot of time reviewing the current DEIS, I have a 15 page review that I would like to submit a copy to you tonight. I'd like to spend a few minutes.

Chairman Wilcenski: Excuse me, I'm sorry to interrupt Steve but you have to speak into the microphone.

Steve Tettlebach: Okay sorry, I'd like to spend a little bit of time here tonight talking about four issues and I'm assuming this goes into the permanent record but I just want to make sure.

Chairman Wilcenski: Yes it does, everything that is said here tonight is being recorded and will be in the public record.

Steve Tettlebach: Thank you. First I want to commend the Planning Board and the Planning Department for their diligence in dealing with the proposed development, but as I will discuss I believe there is much more to be considered. Ultimately based on the provisions of the New York SEQRA act I believe that the project should be stopped from going forward as the community and environmental risks associated with this project far outweigh the potential benefits. I'm going to focus on four issues, one is a community issue and the last three are environmental issues. The DEIS states that the proposed project, and I quote, would include 124 residential condominium units subject to covenants and restrictions limiting occupancy of the units to persons 55 years or older. A spouse of any age, children or grandchildren residing with a permissible occupant provided they are 19 years of age or older. And individuals residing with and providing support to a permissible occupant. This is very vague; the clause providing support is extremely broad. Does this include physical, emotional and/ or other forms of support? If so children of school age are clearly not precluded from living in these condominiums. This may be the only logical explanation why the developer contacted Dr. Ann Smith, superintendent of the Mattituck-Cutchogue Union Free School District by mail on September 24, 2014, this is right in one of the appendices, appendix C of the DEIS. The letter inquired about the capacity of local schools and whether they would be able to accommodate school age children from the development, The Heritage development. So if school age children live in the condominium complex and are allowed to attend our local schools this would place an additional tax burden on the residents of Cutchogue and Mattituck who pay full taxes for schools, whereas the condominium owners would pay a much discounted rate. This is completely unfair, so to either eliminate the possibility of school age children living in the condominium complex the Town Board and the Planning Board need to provide a specific provision to that effect. Or the residents of the condominiums should be charged full taxes to pay for any children that live in the development that attend our schools. The next item I want to talk about is nitrogen and Bill Toedter did a very nice job discussing this. As you know nitrogen reduction is known as and has been designated a priority for the Peconic Bays and I have a feeling that Kevin McAllister may talk a little bit about this next. In the present design as you all know wastewater from the Heritage will be directed to clustered septic systems. Unlike sewage treatment plants these do not reduce the amount of nitrogen present in sewage. In addition as Bill raised the issue, fertilizers in irrigation water as well as pesticide and herbicides will be dumped into the ground water. By the way there is going to be a lot of irrigation as Bill mentioned, there's going to be over 10 acres of lawns proposed for the development. Nitrogen from these sources will flow into the ground water and as cited in the DEIS, the ultimate fate of this excess nitrogen is that it's going to flow into Wickham Creek and into the Peconic Bays. Impacts of excess nitrogen input to our bays are well known, and increased frequency duration and toxicity of harmful algae blooms. Blooms such as red tides are toxic to humans directly; blooms such as brown tides and rust tides can directly cause mass mortality of shellfish and finfish. In turn die offs of shellfish and finfish can cause dissolved oxygen levels to

plummet with causes further mortalities. Degraded water then may result in closures of shellfish harvesting. I have worked for 29 years to restore Peconic Bay Scallop populations, following their complete collapse in the mid 1980's by brown tides. I've led these restoration efforts for the last 12 years. A lot of people have spent hours and days and months and years and decades at this; Long Island University, Cornell Cooperative Extension, students, volunteers. This has led to a dramatic resurgence in the bay scallop populations and fisheries in recent years. This is generated more than 8 million dollars of revenue for local baymen, more than 80 million in revenue to local businesses, and its also helped to preserve the maritime culture of eastern Long Island which is so central to our way of life here. I believe firmly that the excess levels of nitrogen that would be generated by this proposed development will increase the frequency in toxicity of these harmful algae blooms and thus endanger our population of scallops and other marine life. I do not want to see all that we've worked for so hard go for naught; I am getting too old for this. If this project has to go forward, and I certainly hope it does not, the only logical recourse is to absolutely insist that advanced sewage treatment be required. The third issue I want to address is something that was raised in the DEIS and this is the northern long eared bat, a species which is listed under the Endangered Species Act of the United States and its listed as being federally threatened. The DEIS states and I quote, based upon the 2014 field inspection potential summer roosting habitat and forging habitat for the federally threatened northern long eared bat is supported within the wooded portions of the subject property. In my neighborhood on Crown Land Lane, which is less than 200 yards from the proposed development we regularly see bats in summer about the same size as northern long eared bats. I'm not a bat biologist but it is certainly possible that this is the species and given that the Heritage property is the largest area nearby where I live its logical that this may be in fact where they roost. As stated on the US Fish and Wildlife website, again I quote, why is the northern long eared bat in trouble? Loss or degradation of summer habitat, the highway construction, commercial development, surface mining and wind facility construction permanently remove habitat and our activities prevalent in many areas of this bats range. Forest management benefits from the northern long eared bats by keeping areas forested rather than converted to other uses. The first planned step of the Heritage plan is to level and completely remove all vegetation on the 46 acre tract. I urge the Planning Board to put a freeze on the further removal of any trees by the developer, already hundreds perhaps thousands of trees have already been removed by the developer in the last several years. The DEIS goes on to say, and again I quote, consultations with the US Fish and Wildlife service would be necessary to determine potential species impacts or development restrictions associated with northern long eared bats. I urge the Planning Board and the Planning Department to authorize an independent assessment by the US Fish and Wildlife service, which is the agency that regulates the endangered species act for this species, to determine if these bats are using this property. This is a big deal, this is a federally threatened species so more needs to be done to determine if the bats are using the property and if so what the US Fish and Wildlife service would recommend that needs to be done for the development, whether it needs to be protected entirely or to what extent. The last one I want to talk about it a species that I think most people in this

room will be familiar with, my wife is going to play a recording here and hopefully you can hear it.

Chairman Wilcenski: I don't think we will be able to hear it unless it is brought to the microphone. Maybe you can explain what this is Steve.

Steve Tettlebach: This is a species that I think we are all familiar with, these are spring peepers.

Recording of spring peepers plays.

These characteristic and unmistakable chorus calls of the spring peeper, a frog, have been heard emanating from the proposed property at the Heritage. I heard these calls this past year, my friends and neighbors that live on Highland Road have heard these calls every year for many years emanating from the Heritage property. Spring peepers are amphibious which mean that they require water in which to lay their eggs. This means that there has to be some type of standing water wetland or seasonal wetlands present at this location. The DEIS states that, and I quote, there are no surface waters or wetlands present at or adjacent to the subject property. This does not appear to be true, spring peepers lay their eggs in wetlands during the spring, surveys done by the developer to look for wetland were done October. I urge the Planning Board and Planning Department to require surveys to look for seasonal wetlands at the appropriate time of year, in the spring. These should be done by qualified, impartial personal such as the New York State Department of Environmental Conservation. Furthermore due to the sensitive nature of the seasonal wetland I urge the town to prohibit the developer and any of his parties from tampering with the property until such time that proper surveys are developed. Spring peepers are not themselves considered endangered, but it's my understanding that if wetland or seasonal wetlands are found on the subject property this would require under Southold Town Code that there would be a 100 foot setback radius around the wetlands or seasonal wetlands. Thank you for your consideration.

Chairman Wilcenski: Thank you. Yes.

Kevin McAllister: Good evening, my name is Kevin McAllister, I am the executive of Defend H2O, that's pretty self-explanatory, it's to mission. Many of you know as the former bay keeper that I served for 16 years. Approximately ten years ago I immersed myself in wastewater as it relates to surface water quality, recognizing the implications to many of the tidal creeks in particular as we were seeing a number of tributaries exploded by algae blooms and yes Steve I completely concur with your comments as well as Bill and I will be touching on nitrogen of course. With respect to the proposal I submit to you that the developer is just trying to get under the wire as it relates to the Article 6 regs. And again I will say this in all sincerity based on my immersion in this issue for over ten years now I probably know the laws that govern wastewater discharges, the regulations, the technologies better than most and that includes Suffolk County. As often is the case the science precedes policy, there's a serious lag with the

regs. I will take issue or, no let me check that, the developer in the DEIS suggests that there is conformance with article 6 regs such that water quality, groundwater quality would be protected. This is absolutely false and again we heard the Bill and Steve talk about the nitrogen loadings and the presence of course the harmful algae blooms and the vicious cycle that that causes. The article 6 regs are in fact deficient. Suffolk County albeit slowly acknowledging that fact is even slower in basically catching up with science that would bring these regs to greatest protection, particularly as Bill articulated that disparity in our wastewater discharges the level, the concentrations in our groundwater and what that means to surface waters, as did Steve talk about the algae blooms. Again that's a clear fallacy but in the draft document its paraded on several occasions, so when we get into the discussion of water its put right out in front, somewhere mid-way it appears again and basically as a closure in what they're telling you is we're good to go because we comply with Suffolk County. One of the items in there as it relates, and this perhaps came from either maybe commentary from myself or others, certainly the capable staff, to address alternative systems and I was bemused by that quite frankly and I'll address the four I guess points that I saw as to the document addresses alternative systems. The first being the pilot program, and I know Mr. Kaufman, if I'm pronouncing his name correctly, suggested that you know the County has embarked upon a pilot project or pilot program reclaiming our waters, which my dissatisfaction with that claim is for another day Mr. Bellone. But with that said you know this pilot program is looking at residential scaled discharges, talking approximately 300 gallons a day or higher but not into the intermediate flow. As the systems are again being tested while they have been approved and proven the tried and true and other regions of our country this County for some reason has difficulty adopting them and particularly putting them into any kind of law with respect to mandates. This clustering system that we're talking about and when I made the comment about really getting under the wire based on the calculations from acreage approximately 46 acres and you get into the flow rates, 22,540 gallons per day allowed and 22,500 proposed, that's under the wire, that's pushing the envelope. The pilot program again quite frankly is just put out there, it's meaningless with respect to the big picture and that is the overall loading that would emanate from this development project. 124 units, again it's not necessarily about the concentration I will get into that but it is the overall loading that would be on a pathway to Wickham Creek and as I spoke to you back in July, you know ultimately the receiving areas tributaries are in fact even more vulnerable because you don't have the benefit of the flushing, so the concentration into these semi-enclosed systems ultimately will be more pronounced. Again so let's dispense the pilot program, waiting for the system to come online, if it happens next year, two years later. Perhaps bringing it in on one cluster system lets see how it works, will be meaningless so there's no real credence to looking at alternative system here. Number two the larger cluster systems, I didn't fully grasp this but ultimately to more centralize the, I have that in my notes somewhere, forgive me I'm not finding it, but ultimately the number of cluster systems, this would bring it into a more focused area and the argument against this would impact open space and something with respect to the grades on the flow rate, again this is inconsequential, should be dismissed out of hand. Third, now we're getting into advanced treatment, bona-fide sewage treatment plants again would be prohibited because it would decrease open space as it constitutes with the Site Plan and then

here's the real crux it'd be more costly. Well that's the price of clean water unfortunately at this day and age, more costly, so again that in a very short paragraph or so let's put aside. Now I want to get into the real point here and this goes to ultimately the inability to incorporate bona-fide advanced wastewater treatment relative to the gallons per day, so from 1,000 gallons to 15,000 gallons per day in the past several years. And then the final report, the H2M report that I cited the last time that was finalized in June of 2013, that looked at the larger scale of flow in the commercial or high density residential up to the 30,000 gallons. What the County has done, they've approved 4 new systems came online for 1,000 gallons to 15,000 gallons per day, obviously the flow that's in the proposed here at 22,500 exceeds that, so the developers saying well we can't do this because it's not allowable, that's false, that's very misleading. What the developer would have to do because again relative to that study they tested out systems that can perform, there's one system in particular, the Nitrex System, the County acknowledges this that it can achieve denitrification levels down to 3 to 4 parts per million, or milligrams per liter consistently, but again for that system to be approved in this scaled and this flow would require it go before the Suffolk County Health Department would have to approve it, so it's not matter of fact it's rather bringing this application forward. The Department of Public Works would have to approve it, and lastly a sewage agency which was set up to ultimately ensure that a homeowners association had all the necessary oversight and management in place to ensure that this system functions. So absolutely this development can seek advanced wastewater treatment at the highest achievable levels, but they have to pursue it. The last point I want to make and this kind of ties everything in, you know ultimately, and forgive me for speaking in a bit of an analogy but I hope you get this. I mentioned since 2005 really immersing myself into this issue knowing the prominence of water quality relative to our region, ultimately having again becoming well versed in the regs in particular and knowing that the towns, the municipalities as defined by state law have the authority to have more stringent regulations than Suffolk County or New York State that's provided by state statute, it's been reinforced by case law *Town Knox versus Briarmore corporation* up in Catskills. This Town Board has heard me speak of this several years ago, there's always deferral, well whatever the County will do, as will the other east end towns. Brookhaven town has seized the day in the Carmen's River watershed they have passed a law, roughly a year ago, required advanced treatment down to 3 milligrams per liter for all new development in the intermediate flow by virtue of these systems being approved within the Carmen's River watershed. This month they are poised to introduce a new law for all new waterfront development, residential development will be required to achieve discharge levels down to I believe 7 milligrams per liter using advanced treatment and again a bit of a conflict with Suffolk County Health Department but nevertheless here's a town outside of our region that is getting it. To my point, when the Town's understand this we understand we are in dire straits with water quality, both drinking water as well as surface waters, we have to start to implement more stringent regulations. I use the analogy a big whip that we've got to turn the wheel, it may take us hours to do a 90 or 180, it may take us miles but unless we turn the wheel we will never turn and yet with all the redirect coming from Suffolk County reclaiming our waters we'll test it, we'll approve some systems, but we won't mandate them. It's a bit of a travesty, we've looked toward sustainable development and you heard these two gentlemen articulate some of the

considerations, at what point do we actually start to implement sustainable development? I'm asking you today, the authority that is granted to you, ensure at a minimum that this wastewater management on this site is to the highest achievable levels, ensure, require that they go through the process of going through the Health Department, the Public Works, the sewer agency, if that's what it takes to get the approvals for the systems that have been approved beyond the 15,000 gallons rate, so be it. And lastly, cost implications, I know this is going to cost more than the conventional system, they are pushing the max of the number of units to get under the wire for conventional waste water systems, it's all cost implications. This day and age with our development, there's no excuse not to require again for wastewater the highest achievable levels. So please find the means of saying no to this project until they come forward because right now all they're basically submitting to you is smoke in mirrors with respect to the health department and that should be unacceptable to this community. Thank you.

Chairman Wilcenski: Thank you.

Glynnis Berry: Hi, I'm Glynnis Berry I'm with Peconic Green Growth, and we have been working on waste water issues for the last 4 years, hoping to get government to change their outlook. A couple of things, first I agree allowing this to be a condominium means that they're taking advantage, not only of reduced taxes, but a higher density calculation. Maybe that's considerable if its affordable housing, but this doesn't appear to be that so I think its valid to ask them to do more to protect the environment if they're going to keep this kind of structure. For instance if you look at the calculations for waste water they say they're only allowing 150 gallons for 15,000 square foot units, well I ask you to compare this development to the same site if it were developed as separate lots. Each lot would only be a half acre and each house would have the minimum of 300 gallons per day. What they're doing by having a condominium organization, they're taking the intensity to the max that's allowed, whereas the house has a built in safety measure there eliminating that when they're calculating the waste water. So they're actually having a waste water density that's four time what you would see if these were developed as half acre lots, so I think you need to consider that yes they may meet the code as it exists now but it doesn't meet the way this community has developed and it doesn't meet the safeguards that are even just in the code and our traditional development. Suffolk County has done their comprehensive water resources management plan and they realized that they goofed in this area that the minimum lot size should have been one acre not a half an acre and they are looking to start changing rules and regulations, so then that should also support, yes it doesn't exist now but it's coming. If you are going to look at lot size for nitrogen mitigation in our area it would be between 3 and 5 acres to get the equivalent reduction in nitrogen. The Peconic Estuary, they have a TMDL, which is trying to increase the dissolved oxygen, and nitrogen is the major controlling factor. They have recommendations that were developed years ago and I have yet to see that included in planning regulation, and not only that but they have in their Comprehensive Plan isn't enough. We've done calculations, we've got a report on our website, I encourage you to look at, in the Peconic Estuary every single parcel needs to be treated and preferably to the maximum

degree. We figured that to get to the level of the pollutant source, any non-conforming lot size, which this would be, would need to have the maximum nitrogen mitigation. So please figure out how to do this, and another way is to do maximum mass loading and I support that there's no reason they can't do an intermediate sized system here. They do it all the time, so that is one option. There's another option, how do they dispose of the waste water, they're putting it into pits, nowhere else in the country allows people to do this. The state allows shallow, narrow distribution, for instance there is something called the GEO map. This could irrigate and it treats water at the same time, because it gets the waste water up in the high level of the soil, where there are more micro-organisms that work naturally to treat the wastewater. And there's a study that came out of the mass test center, they found that the shallow distribution also treats for pharmaceuticals and contaminants of emerging concern, and if this group is limited to over 55 you can guarantee there are a lot of drugs going into this water. So it would be a much healthier solution to have the shallow distribution. I'm not quite sure I understand these two huge pits, it looks like sand mining to me. It looks like creating income to help pay for things. There are a couple of things; this could be used in a different way. If they're going to make a lake eventually it should be lined and it's just, it's also reducing the filtering of the earth, separating what there is discharge to groundwater. So I don't see any benefit in making these huge pits on the site, so I think that needs to be looked at. Why not just don't allow irrigation, you know you don't need it; allow it for the first couple of years to establish new planting and then none. That's a lot of water that was quoted; we don't need to use it. We can do native plantings, we can reuse wastewater, we can have grey water reuse, there are other alternatives, I would only allow irrigation if it was some kind of reuse of water. Also start requiring and environmental sustainable development, for instance the EPA has water sense fixtures that totally reduce the water usage, and that would also increase the benefits of any kind of septic system that's part of any kind of treatment. Limit turf, those are just a few things that we can look at, make sure you know the energy protection goes beyond the code. This is an isolated development, it's getting the advantage of Hamlet Density, but it's not providing anything back to a hamlet configuration. A hamlet is for people, it is for affordability, it is for a mixture of access to, you know retail and institutional directly for the residents. This is a western site plan, or a south fork site plan that's made to be isolated, it doesn't, it shouldn't be in a hamlet, it's the wrong location for this. And why do we need to limit this to over 55? Southold has the highest population, age population of anywhere else; do we really need to increase this? It's not reducing costs; everybody thinks we'll overload the school system, well guess what? Elderly people also overload community resources, so I don't really think we need any more housing directed to over 55 unless it's affordable to allow people to live here. And don't we want to encourage people, the young families, we keep on saying we want our young families to stay here, but if we keep building developments that don't allow them to be part of the community in a hamlet where people could actually walk to school then something's wrong with our planning. We have start thinking of that. So thank you for letting us speak and I hope that you reconsider this, this is not the right development for this location or this community.

Chairman Wilcenski: Thank you, please write your name. yes sir on this side, go ahead.

Mitchell Shade: Good evening, my name is Mitchell Shade, I've been a resident of Peconic for nearly 13 years. I'm here to voice my support of this project, I have enormous respect and love for the north fork lifestyle and the wildlife and all environmental issues that have been raised here, however I think there are aspects of this project that are very positive for the community. And while I may not seem to be too popular at the moment voicing that I would like to present that I have just a couple of reasons why I believe this project is valuable. One of the things that seems to be repeated over and over again is this over 55 restriction, I believe that the developer has every intention to close any of the loop holes that somebody suggested might exist and their intention is to market these to people over 55. With that comes the benefit of individuals who will come here after having, most likely, sold their home that requires a great deal of maintenance and moved into a community where they can live free of that burden. At the same time these people will be contributing to our community, they have income, they're interested in the north fork lifestyle, or else they wouldn't move here. I also want to state that this is not just for outsiders, there are plenty of people like myself who fall into this age bracket, who look someday to stay here and retire but I certainly don't want to maintain a home. I believe that the proximity to the village allows all of these people to contribute to the village or the Hamlet of Cutchogue. The merchants, all of the stores, all of the vineyards, these are people who will want to be here and contribute. Additionally the over 55 restriction specifically will create, the individuals who are purchasing these will donate or contribute a considerable amount of tax dollars to the community, approximately \$450,000 a year will be contributed in real estate taxes, of that \$290,00 go to school. Currently that property is contributing approximately \$10,000. So the schools have to ability to take these funds to help promote expansion, whatever it is they need to do to continue to build a better school system without having the additional burden of students, additional students that would be commensurate with this number of houses under normal conditions. I also want to mention the fact that this will contribute several hundred jobs to basically get the project off the ground and eventually there will be permanent positions that will be made as a result of this, so that's also a contribution to the community. The developer has also pledged to put 2 million dollars as a donation to the Town of Southold, now I believe the developer has submitted a proposal that meets all of the existing requirements and guideline or else they wouldn't put it in front of somebody. This is how things are currently and they meet that load. Now I think there is a great discussion here regarding the environment, I don't think that that's something that anybody willfully decides to disregard. So using this project as a point of departure to have a great big discussion about how this is going to impact a variety of things especially the waters, it seems as its clearly important to people this evening. There is a bigger conversation that the Town has to take place, but as it exists now the project falls within the guidelines of what anybody would normally be required. And so these things often do create a bigger larger dialogue that causes the people who make these decisions to start addressing things on a bigger scale, but this particular project does not fall outside of those guidelines. And I believe that efforts would be made, as the attorney I believe

said, to work with if there is a state of the art sewage system hat is presented to the developer at the time of the constriction, they'll consider it. Nobody has stated otherwise, but I believe that if we have antiquated systems that exist that place our environment into jeopardy, this project is not guilty of that. They are guilty of just submitted a project that I believe is beneficial to a large number of people, and I believe is within the guidelines that are currently in place and I am in support of this. Thank you.

Chairman Wilcenski: Thank you. Yes sir.

Robert Buoneto: Yes, my name is Robert Buoneto, I live at 2500 Harbor Lane in Cutchogue. I'm only going to take two minutes of your time, I retired out here five years ago and the first thing I did was have my water tested. I'm 300 feet from East Creek, and I had two tests done, one by Suffolk County Water and one by Harry Goldman in Mattituck and both levels, I had them here were unacceptable. 12.4 milligrams per liter, which is well over the limits allowed and Suffolk told me the best thing for me to do was to hook up to water, which I did at the price of \$5,000. My concern is the nitrate levels, they're not getting any better, they are only going to get worse. The big picture you can see, whether they put these clusters they talk about, I don't know I'm not a scientist I'm just a retired old cop, I want to take my grandson to Pequash beach, I want that little boy to swim in clean water, that's what I'm here for. I feel for the 55 and overs that lived here and want to downsize and they deserve to live here but God this is a beautiful place, I'd just hate to see it go. Thank you.

Chairman Wilcenski: Thank you, yes sir.

Pablo Rodriguez: Good evening, my name is Pablo Rodriguez, I am licensed engineer and I work for P.W. Grosser Consulting. I do have a letter I would like to give to you.

Chairman Wilcenski: Okay, thank you.

Pablo Rodriguez: My colleague, Gerry Rosen, who signed the letter was supposed to be here tonight, I'm actually taking his place he couldn't be here. I want to read this letter as follows. P.W. Grosser Consulting (PWGC) has reviewed the plans submitted to the Town of Southold as part of the DEIS for the proposed Heritage at Cutchogue project and have the following comments. Based upon a review of the proposed floor plans, there are six (6) possible condominium models. I know that's a little bit different from the original statement at the beginning of the meeting, but that's what we've found in the DEIS plans. There are six possible condominium units. All of them except B2 have less than 1,600 square feet. The DEIS has indicated that there will be a total of 124 condominium units, comprised of 52 A units, A and C, there will be a total of 72 B condominium units which estimated to be split between B1 and B2. As you can see B1 Has more than 1,600 square feet, as stated on the plans. B1 condominium units, indicated on the architectural floor plans is 1,994 square feet and the DEIS indicates that there will be no B condominium units in excess of 1,599 square feet. The waste water flow for the B condominium units will be 225 gallons per day since it is greater

than 1,600 square feet and less than 2,000 square feet, this square footage calculations excludes basements. The total sanitary flow for the site based upon the various condominium sizes will be 22,500 per day. That's based on our calculations which are based on the plans submitted in the DEIS. The maximum stated permissible sanitary flow for the site is 22,540 gallons per day. Flow in excess of this 22,540 gallons per day will require sewage flows to be treated by either on onsite or offsite sewage treatment plant. The plans do not show provisions for construction of a sewage treatment plant nor the construction of a pump station to convey the sewage to an alternate sewage treatment plant. According to the DEIS, there is a stipulation that basements are to be excluded from the total square footage of the living area. This stipulation was agreed to by the Town, however the SCDHS may not consider this stipulation when the sanitary application is filed. SCDHS published General Guidance Memorandum No. 23 which states that basements can be divided into two categories consisting of either finished or unfinished space. The SCDHS has defined finished space as a space that can be finished to the point where long term occupancy is possible for use as an office, retail, industrial space or other type of use due to adequate lighting, ventilation and egress. That's my point, egress and etcetera. Each of the condominium units has a proposed a 50 x 40 sliding basement window. This window will provide an approximate free opening of 50 x 20. This equates to approximately 1,000 square inches or 6.94 square feet. New York State Residential Code considers a basement window with a minimum free area of 5.7 square feet as an emergency egress window. If it is the intent to construct each basement with adequate ceiling height and an emergency egress window such that the basements would be code compliant for a living space according to the New York State Residential Code, then the SCDHS may consider the basements to be finished spaces. Each condominium could have an allocated sanitary flow rate of 300 gallons per day because the total finished space will be greater than 2,000 square feet. If each condominium units produces 300 gallons per day, the maximum number of condominium units could be reduced from 124 to 75, that's if each unit is considered to have a finished basement. They will be reduced from 124 to 75 in order to be below the permissible sanitary flow of 22,540 gallons per day. Based upon the review of the submitted DEIS, it appears that the sewage flows generated for this proposed project currently exceeds the sanitary density. It will therefore be necessary to have the sewage flows treated by an on-site or off-site sewage treatment plant. Treatment of sewage flows by a sewage treatment plant can be eliminated if the size and/or quantity of condominium units are reduced. The Town should place restrictions on the size of the basement windows in order to prevent the basements from becoming finished spaces as classified by the SCDHS. This will also eliminate the potential for the basements to become future legalized bedrooms or other classified habitable spaces. Please feel free to contact me if you have any questions, that is my supervisor Gerry Rosen and that's the end of my presentation. Do you have any questions?

Chairman Wilcenski: Do any Board members have any questions? No thank you, thank you for your comments. Anyone over here.

Alex Wipf: My name is Alex Wipf, I live in Cutchogue, I've lived in Cutchogue for about 45 years now. I'm sorry that, it's just not quite clear to me how this situation developed to the point it has. In the first place that map is not entirely clear to me, where are the houses? I mean how, I don't know what they are, is that a cluster of 4 houses per group? Is that what that is? I mean, I'm asking because it's not clear to me.

Chairman Wilcenski: The map is out in the hallway.

Alex Wipf: He's out there?

Chairman Wilcenski: No the map is, the plans.

Alex Wipf: Right but I'm sure I'm not the only one, somebody else mentioned it, she said she couldn't tell how many, what it was. It's difficult to see what that is so it's difficult to know what you're talking about, alright?

Chairman Wilcenski: Understood.

Alex Wipf: Okay, so you guys are the Planning Board right and there's five of you? Is that correct?

Chairman Wilcenski: That's correct.

Alex Wipf: Now, you're not an elected position?

Chairman Wilcenski: No.

Alex Wipf: So you're appointed by the Town Board to do your job right?

Chairman Wilcenski: That is correct.

Alex Wipf: Okay, very good. Now have you, any of you guys farmers by the way? Ah, a real person, you too, two farmers in the place. That's very good because farmers are always concerned and they have been for years about how many people are out here. Now although it's unclear it looks to me like there's a hell of a lot of houses there. Now I came into this whole affair with Ray Huntington say about 15 years ago and we formed an organization called Save Open Spaces Now, and we generated support for passing the community preservation fund and we were successful. And I think that's been a really significant contribution to trying to preserve, as we used to call it in the old days, the rural quality of Southold. You can ask the farmers if they think Southold still has a rural quality. Well whatever it certainly not the same as it was but that's what our intention was in getting involved with it. Now if I remember at the time, now this thing is from what 89? Was that thing granted in 89? That-

Chairman Wilcneski: What you see there is what has been generated in the last two years.

Alex Wipf: I would think so because in what 89 it was one acre and then we went to two? Is that, do you remember guys? This is your area so I don't know. Is that right, when did we go to two from one?

Chairman Wilcenski: It was mid 80's.

Alex Wipf: Mid 80's so it was before this, long before this, alright. The point of the thing was, and I was involved with the 5 acre zoning thing too, but what happened, and this is where I fell out with the North Fork Environmental Council, was the farmers came to me and said look we need five acre zoning to generate our borrowing ability. We have to say look we can build thousands of houses here and so you can lend us some money, we need to run our business. It was a very valid argument, it certainly touched me, I talked to Krupski, I talked to a whole bunch of people. There was a kind of a, what can we do about it? And somebody said, well look why don't we, why not just develop a concept for the hamlets of packing people together, not a bad idea. This is somehow or another not what I thought we had in mind, because it was about the hamlets, you know, the Hamlet of Cutchogue, the store on the corner, you can count the stores, you can count the apartments overhead, this thing is like, its enormous, nobody object to you know Jane is looking for a house or the guy here on the left, nobody objects to people downsizing but fellas, you know you got to be true to your roots, especially you two guys. You have to take into consideration what something like that would do to the Hamlet of Cutchogue. That's not, you wouldn't even call it a hamlet, it's a small city. It's just not appropriate for the north fork. That's not what we had in mind when we got money together and taxed people to buy out you guys development rights. I don't know how this got to where it got to. Just let me understand something, what happened if I can understand it from reading it in the paper and talking to people, is that the Town Board sued this developer and said look you can't do this we're going to change the zoning and then the development counter-sued and the judge sided with them and so you had to accept that you couldn't change the zoning for this particular property, is that correct?

Chairman Wilcenski: I'm not sure that's 100% correct.

Alex Wipf: I want to know what power you guys have? I mean, you've heard much more elegant speakers than me, my God look at the technical expertise here, that biologist, my God they're talking serious stuff and well thought out stuff. But what can you do about it? You know what the question in my mind is I watch the five of you, are they just going through the motions or in fact are they conscious of trying to preserve the open space and quality of the north fork. You've got two farmers, those guys I know

want this place to stay as it is, and their business is dependent on it. Outsiders, visitors on the weekend are a pain in the ass they're always complaining about noise and things like that, we want to encourage those people. I'm sure that you have, you're taking your responsibility seriously because it affects you. And I think that's all everybody that comes to these meetings really wants to feel, that in fact what people are saying to you, and there's some substantial things that have been said here, will in fact influence your behavior. And that's all I have to say, thank you very much.

Chairman Wilcenski: Thank you. Again I will just reiterate, this is being recorded and all of your comments will be addressed.

Steven DiMartino: How's it going, my name is Steven DiMartino, I just recently bought a house in Cutchogue, Highland Road, the old Linda Cook residence, right on the corner is Spur Lane. All the technical stuff, I certainly don't understand but I do know this one thing, I swung a hammer for a living my whole entire life, made a good living out of it and brought my family from Brooklyn, to Patchogue, to Westhampton Beach to Cutchogue, for one reason- the way of life out here. Everybody talks about the senior citizens and the 55 and over community. I'm 38 years old, I made it out here just to give my kids, my three young kids the best life they can possibly have growing up. The communities out west are nothing like what everybody here has preserved on the north fork. Me and my wife have been coming out here for quite a few years, we started having children, this was our goal to come out here to benefit our children and our family, to give them the best way of life possible. We see on the news and tv all the chaos that's going around in the world, and everyone turns around and says keep Long Islanders on Long Island and that's what we're trying to do. What I feel, because my house is obviously backed up right against there, is to me it's going to destroy everything that I personally worked for. I worked my life for my family. How many roads do you know on Long Island that your kids actually still go ride their bikes on, are friends with the neighbors, can go play in the streets, without anyone bothering them or harassing them or anything, not many. Excuse me I'm a horrible speaker, but there are so many things that this community has to offer even for younger people. When I was buying my house and we were out in Westhampton Beach, I specifically spoke to multiple realtors and they all said the same thing, go to Cutchogue, go to Cutchogue for younger people it's what people want, it's that way of life if you have young children it's what you want to do. Like I said, we have been coming to up to Southold, the north fork, Orient for many years. We decided to do Cutchogue at 38, 37 at the time just because, okay we're around much more older people than us, but it's that way of life that we wanted for our children. In 10 to 15 years, our children aren't going to have that because of this. I know the way projects go, I've built houses and home improvements, and everything looks good on paper with all the calculations and the numbers and the technology whatever else, it always looks good on paper but ultimately it never pans out to what it's supposed to be. Like I said my biggest thing was for the community, for what you guys preserve, the farmers from what everybody else over here preserved, it's what people especially from out west are looking for that's going to be also the new influx, I believe that's going to come to Cutchogue. That's it, thank you.

Chairman Wilcenski: Thank you. Yes Ms. Hoeg.

Karen Hoeg: Good evening, Karen Hoeg from the law firm Twomey, Latham & Shea. I just wanted to follow up P.W. Grosser's statement. In light of all the testimony you've heard regarding the concerns of groundwater and environmental issues, and given the fact that the total proposed sanitary flow was so close to what is allowable by the Health Department standards, 22,540 is permissible and proposed is 22,500 gallons. I think the Board really needs to pay close attention to the specific details of this project, and should the Board decide to approve the project I would respectfully request that a condition be imposed that there be no habitual space or living space of any nature including bedrooms in the basement area. I think that that's a concern and I think it raises some ambiguity in terms of the application. That's all, thank you.

Chairman Wilcenski: Thank you, yes sir.

Bob Deluca: Good evening members of the Board my name is Bob Deluca, I'm a resident of East Marion and I serve as president of Group for the East End. In order to spare you I will stipulate that most of what you heard with respect to water quality, habitat, over development is strongly aligned with the comments that we wish to offer and we will submit those in writing. Where I thought I might spend a little bit of time, is just the gentlemen said before, what can you do? I have been sitting back there thinking about that, and I have to say I've been at this for 30 years and I don't remember many projects where there was a Stipulation of Settlement overlaid on top of a SEQR process, it's weird. I don't know why they did it, the Town had its reasons, I hope they never do it again because what that does is it turns this discussion into something that feels a little bit like a charade. Which is, the stipulation says how many units, it says the type of septic we're going to have and essentially designs the project before you get to the public hearing, at least that's what it looks like. I thought about it a little bit more, and thought maybe not because what also was going on when you look at that stipulation that by the consent of both parties, you the Town and the developer, you can change that stipulation, and it's incumbent upon us because there still is a SEQR process. There still is something happening here, to help you I think to maybe lend support to you and try to reopen that dialogue, and I think when you get right down to it this project is in, you know this is what the end looks like. You want to go up west, that's what it looks like, you want to drive on Sound Avenue and go to those condo complexes with the guard gate at the front of it, when did that look like the Heritage of Cutchogue? It's not, but you're stuck with something and it's much more than maybe you would've wanted, it's much more than we would've wanted but it's there, but I think there is room to blink here. I think the blink is that this is, as I see it, from everything that's been put forward in the impact statement reading the stipulation is there's too many units, there's too much clearing and habitat destruction, there's not enough wastewater treatment and there's too much water usage. That's basically it and if you can start this dialogue by getting the County Health Department, not through a fourth party analysis of what somebody said in a letter three years ago but sit them down and put some pressure on them to say look, you're County executive is walking around telling us that we need to do better and that we can do better, the developer has said

generously that they're willing to sit down and talk, you don't always hear that, I'll take that. There is a way to look at this problem a little bit differently, which is if the Board says we understand there's a stipulation but we're still a Planning Board we still do SEQR, there's still a law and there's still too many impacts, as Mr. Wagner said in his opening statement, there's a lot of ceilings in that stipulation but there's room to move within those ceilings. So if you need a little more room to put in a little more sewage treatment and you need to either move units or lose units you can do it, if you need to protect some area of habitat around there. If you look in the impact statement I thought it was interesting when they came back with the sort of communities that will be left after its developed, its far, grass and grass with trees. There's nothing else you could really do, maybe there is a different way to do that and the Board can ask for those things, those things are not excluded by the stipulation, you still have that to work with. And you know I look at it this way, the developer is in with a project that they think conforms to what the agreement was that they set with the Town and they're putting their foot forward to get as much as they can and we're making the argument to you about the natural resources that have defined this place for centuries, that matter to everyone that you all have the difficult responsibility of trying to balance but I have a feeling that this could just sort of go down the path of we said what we feel, you're stuck with what you're stuck with, they submitted a plan and out it goes, and I hope that that doesn't happen. And I hope that you've heard from many of us, that we're here to offer and lend the kind of support maybe that's needed to open that dialogue. You know some developers want to sit down and say alright what is it, they got into a position, I don't know how they got all this litigation going, but whatever it is until the final map is approved there is an opportunity to do your best an opportunity for us to do our best and an opportunity for them to do their best and I would say over and above everything else new to all the details, new to all the numbers, there's too much going on., and you got to shoot that down and you have to work with them to see whether or not they want to basically come in and be the prier of the town, or somebody who was willing to work with you to do a better job and it was still a very, very generous density that I think will probably end up on that property short of anything else, any other thing that might happen. So that's my kind of homily about all of this I've been listening to everything that's been said, the issues that you've heard are accurate, the concerns are accurate but you don't have to just kind of say, I know, I'm sorry but you going to get this. See if you can work with them and like I say, start with the County. One of things which is interesting, and maybe I'll just leave you with this, when you look even at the analysis that was done with respect to the sewage treatment numbers you see that there are about 40 gallons per day within the range with what would be the maximum flow capacity, but I don't see anything about the clubhouse. I got to imagine the clubhouse is going to have bathrooms, maybe the clubhouse will have a kitchen facility, I don't know but when all of that gets put together you're going to have a number there that in all likelihood at that density will probably exceed the minimum threshold for some kind of treatment. So let's start with the goal of protecting the water and work out way back and within the realm of what you can do with the Stipulation, I still think, as much as I was depressed when I started, I think there is room to move and I think you can and I think if you do we'll get the best out of this for the community that is possible knowing all of the limitations that I think we're stuck with. Thank you very much.

Chairman Wilcenski: Thank you. Yes.

Marion Wipf: Hi my name is Marion Wipf, I live in Cutchogue on Wickham's Creek and I'm very concerned about the possibility of that beautiful body of water being polluted. I'd like to commend all of the facts and science that was presented to you tonight and I hope you really take that into consideration when you start to get down to the nitty gritty of this project, so I'm going to keep this short and sweet. I think there are too many units causing density problems, there are going to be too many cars that will cause traffic problems. There's a tremendous possibility of polluting our groundwater, clean water has become a major issue all around the world and especially on Long Island. We have clean groundwater now, we have to keep it that way. To the Board and the Planning Board we're relying on you to protect us from a situation that could damage our town irreparably. Please don't negotiate with this business project and turn a blind eye to what is really needed here, your absolute commitment to us, your supporters, that you will do your jobs and do the best for the existing community. Thank you.

Chairman Wilcenski: Thank you. Yes. Just while we are waiting here, how many more people would like to speak, show your hands. Okay we are going to take a five minute break right now. We'll reconvene at 6:30. At 6:30 we'll start again, we're just going to take 5 minutes. Thank you.

Okay we will continue, yes ma'am you can start. Please speak into the microphone.

Patricia Cato: Hi my name is Patricia Cato and I am a Cutchogue resident. Please take this letter into consideration because I spent a lot of time on it and I had to take time off from work so I could be here and I work locally in Riverhead. The Heritage is not good for Cutchogue, the development will be a bad economic impact for the area, it will affect the water, air space and environment. No consideration was taken for the people who have lived, who have been there all their lives, including the children who go to Our Lady of Mercy Grammar School. I have summered in Southold since I was 10 years old, my father first came out here after World War II. When we were summer residents here we learned how to go fishing and swimming at the Breakwater, the swimming lessons were given by Mr. Brier and the sailing lessons were given by Mr. Brooks. I eventually met my husband out here, when we got married we both wanted to raise our children out here, all my children were born out here and went to the Mattituck-Cutchogue elementary and high school. My children participated at the library, at church, soccer, sailing, little league, CYO basketball, cub scouts and boy scouts, I was involved with the Mattituck Homemakers when I got married, as was my grandmother and my mother. As parents we were active at church, school, exchange programs, cub scouts, boy scouts, so I'm telling you this, I was and have watched what has happened to this community. The only thing that has changed now, is I am a widower and I would like to leave my home to my children. When the idea of this development was brought up in the early 80's my husband and I went to the meeting at the Cutchogue Presbyterian Church, at that time Mr. Frank Murphy was the Town Supervisor, my question then and now has not changed. If my water is poisoned by this development are you going to take care, excuse me, of my well water and pay for me getting Suffolk

County Water? I ask this question because my husband and I built this house long before the development was ever even thought about. I could understand about this development if it was here before my husband and I build our home, but it is not here yet. I would not have known about this public hearing meeting if I didn't read about it in the local paper, The Suffolk Times. Why must the meetings take place at 4:30 p.m. when the working person who pays the taxes on their home or who rent are at work? These views in general are also for the hard working people, families and children of this community who could not be here today.

Chairman Wilcenski: Thank you very much. You can step to that side.

Dave Bergen: I am Dave Bergen from Cutchogue and I'll my comments fairly short because I think there has been some excellent remarks that have been given to the Board tonight. In particular I really like what Bob Deluca just talked about because there is this perception that this is a done deal in the community and I don't think it is a done deal because I respect this Board for the work that they do and for the job that you have. But as somebody who has been a Trustee for ten years in Southold Town I also want to put an exclamation point on the issue of the waste water treatment. Now we've heard people today they keep referring to Wickham Creek but I also want to let everybody know that actually West Creek, if it wasn't for a dike, a manmade dike that's built at Cedar's Golf Course, West Creek would flow up almost behind the library. So in actuality the topography of the land there plus the installation of that dike and its actually not only is Wickham Creek potentially affected by the groundwater flow of any wastewater. But I think even more likely as a trustee for ten years, I think West Creek that's already a very fragile creek would be highly impacted by this. Now I know the DEIS still included the options for advanced treatment for wastewater and we've heard the applicant tonight, the lawyer for the applicant tonight, talk about that they're considering this, and I'm not sure and it's up to legal counsel to advise you appropriately if the Stipulation of agreement prohibits this Board from changing or including a requirement for an advanced treatment plan. Maybe it does but I know that also the County can change that and this Board as a voice for this Town, can be a voice to the County, to Mr. Bellone, who just campaigned on the number one issue being nitrogen loading in our bays that was his number one issue this year in his campaign. So I think this Board can work with the Town, if the Stipulation prohibits this Board as I've been told it does, and again legal counsel can provide appropriate advice on that, but I think this Board can be vocal to the Town Board and they can work through the County to make sure the County addresses and requires an advanced wastewater treatment system. One person who spoke here tonight, Glynnis Berry, she's an expert in this area, she's developed these systems, she's marketed these systems, and I would encourage the applicant to reach out to her and talk to her about the opportunities to use these systems. So that's what I wanted to address tonight, I think the nitrogen loading that has occurred, or that will occur because of this development if its approved as presented is real. Since these plans have been submitted several years ago, and I know this goes back to the 80's but over the last few years, we all know there's been lots of research done, Dr. Tettlebach talked about that also, lots of research done and finding scientific conclusions had been made that weren't made when these plans were

first brought forward years ago and probably weren't made even when the Stipulation of agreement was signed off on, but we know is here in reality now. And I think we have to use that science to influence the decision making that's made regarding this project. Thank you.

Chairman Wilcenski: Thank you. Yes.

Barbara McAdam: Barbara McAdam, Crown Land Lane in Cutchogue. It's been nine years since I first spoke at a public hearing on this project and nothing's changed, the Heritage still threatens our groundwater, the safety of our roadways and our overall quality of life. In July of 2007 I received a letter from Robert J. Farmer a public health engineer with the Suffolk County Health Department, he stated then that the sewage from the Heritage project would move into Wickham Creek and Cutchogue Harbor. Wickham Creek was finally reopened to shellfishing last year, why would we knowingly allow it to be the final destination for sewage? Knowing the economy of the north fork and the time and money spent over the last decade to revitalize the shellfishing industry here, why would we undo all the good that's been accomplished by not imposing strict sanitary standards and advanced treatment on this project? This must be a strict condition imposed on the developer regardless of the Stipulation agreement signed by the Town. Many Cutchogue residents still rely on their private wells and the quality and quantity of potable drinking water is still a concern. How can untreated sewage be allowed to negatively impact people, the environment and our economy? You're all well aware of the fatal traffic accident that occurred on Depot Lane and Route 48 five months ago, where four young women were killed, yet you want to give a green light, no pun intended, to a condo development that will bring over 300 additional cars to the area less than one half mile south of that accident. The traffic scene on Main Road in Cutchogue is also a nightmare, our wineries of which Cutchogue has the greatest number of any hamlet on the north fork, and agritainment industry have in the last nine years brought an explosion of cars, stretch limos, party buses, additional runs of the Hampton Jitney, North Fork Express, Suffolk County Bus Service, bicyclists by the score where no bicycle lanes exist, to a roadway that was designed to handle this kind of traffic. Cutchogue's hamlet is a tiny area where our Post Office, several churches, thank God, an elementary school with buses and students crossing Main Road for their gym class, Cutchogue Fire and Rescue Department, restaurants, library, historical society, village green, several businesses, dentist and pharmacy, 7-11, a gas station and private residences exist on or very close to Main Road. Previous traffic studies have labeled Depot Lane and Griffing Street failing and dangerous intersections at Main Road, yet you're asking the public to sanction the addition of 105 of Cutchogue's current population to this immediate area. Ironically today's agenda included Mr. Baxter's subdivision on Griffing Street, four more lots slated for development right in the middle of all this action. Southold Town and Suffolk County have a dismal record in Cutchogue for traffic safety and are facing numerous lawsuits as a result of the aforementioned tragedy. Since New York State has etched Main Road in stone who will make the study and creation of new traffic routes, patterns and roads that will ensure the safety of Cutchogue residents and visitors, a condition for the developer before allowing this project to move forward. How will fire and rescue units get to resident all over

Cutchogue thought a currently dangerous and crowded hamlet center? A traffic study conducted by the developer on Columbus Day weekend to be conservative is highly suspect when the addition of 300 plus cars will be present during spring and summer months, the high season for the anticipated residents of the Heritage to be here in full force. The Heritage's developer is not concerned about two emergency access points at Spur Road and Bridle Lane to one day be permanently opened to dump condo traffic into a residential area of over 60 homes on Highland Road and Crown Land Lane to endanger children and older residents who have had a safe environment there for over 40 years. We're not fooled by the emergency access or crash gates label, who will enforce this limited use anyway? The developer is essentially asking residents of Highland, Crown Land Lane and Schoolhouse Road to acquiesce to a condemnation of sorts because our neighborhoods will be destroyed when these points are permanently open to all kinds of vehicular traffic. Where are the conditions that take into the account the safety of Cutchogue residents who already live in this area? Life in Cutchogue has some challenges, but without addressing these concerns the Heritage will make it impossible. Thank you.

Chairman Wilcenski: Thank you. Anybody else? Yes, you can step to the other podium.

John Cato: Hello and good evening, my name is John Cato, I'm a Cutchogue resident. I just want to say a few things, I just wanted to kind of get my opposition for this project on the record and also represent a couple other neighbors that couldn't be here tonight because other scheduling or they had to work, specifically last time I was here good friends of mine Giovanni Borghese and Will Lee were here, also the Klaus family and all the neighbors of the area of impact. We all work in one way or another the agricultural, viticulture or aquaculture realms out here and again this is just a small sample of people in this town who don't want this to happen and how terribly unpopular it is, and really just here your constituency on this, I know you're the Planning Board not the Town Counsel Board but again just something to consider. Recently I was just down in Charleston, Charleston South Carolina I was working on a boat down there and did some sailing it was great if anyone's been there it's pretty terrific. They refer to it as the holy city and they do this because the city itself has prohibited any building being raised higher than the eleventh story, they do this because all the churches and their old steeples in town, they don't want any building to go higher than their steeples. When I heard this I kind of thought of this project that's going, and I found that interesting their ability to kind of stop development in certain areas in an effort to harbor the esthetic of the city and in turn that esthetic has brought tourism and a certain dashikis of the town and something that has actually really done this city very well. I want that, just to kind of keep that in consideration in your position and what power you guys still can wield in this situation and again taking your constituency into consideration on this. Furthermore I had a great time in Charleston and when I was down there I stopped at this place, Dukes Barbecue I really recommend it for short. When I was at Dukes Barbecue I was wearing, I'll get to the point sorry, when I was at Dukes Barbecue I was wearing a Billy's By The Bay sweatshirt, it said Greenport New York on it, and this guy pointed over at me and said hey you over there, and I was like um me? He said yea Billy's that's in

Greenport and it was an older couple, man by the name of Bill Walsh and Lydia and they said they lived on the north fork in the 60's and 70's, they lived on Bay Avenue. When I saw them they were just kind of talking, we were talking about my trip and talking about the north fork. Lydia asked, how is that A&P doing, that's the last A&P I ever saw, and I said it became a Walbaums and then it was actually a pretty messy situation how long time employees went out. Then they asked me about the bowling alley, and I said oh it's a CVS. Then they asked about their old neighbors at the Mattituck Motel and I said well you know Riverhead has gone through a bunch of expansion and big corporate chains of hotels have moved in so they aren't really doing too good. I think they were scared to ask me how any other places were doing, at the risk that they weren't doing too well. Again that brought me to a larger point that the esthetic of this town and how it's transforming, the writing is on the wall and I think that's one of the, there is a lot of fear and a lot of, the people are here tonight because of what seems to be impending doom of what's going on in this town. I think it's something that needs to be addressed and something that I really just wanted to make light of. Lastly, and I'll stop talking about Charleston, but I definitely compared some of the parallels of an area like that and a lot of pressure in terms of development and balancing that esthetic, and specifically here bringing it closer to home, just really the agricultural history that is very a central part of this town and what we are willing to settle for. What is the price on this and what do we find fair in this? And all this is really going to be setting some precedence moving forward so it's really, really something to really take into consideration. Do we want a Riverhead expansion or a Southold growth, do we want responsible growth, do we want to implement more sustainable aspects into development moving forward. Again, I don't even think I need to even mention any of the environmental concerns because there has been so much great information that came into light, regarding and about that, and someone that, I farm oysters, I love to go on hikes around here, go bike riding, something to grow up with. I lived in Rhode Island for a number of years, I worked for a senator up there and I've kind of moved around the country a bit and something that I took for granted growing up out here that I do see now in light and something that is special and that's what a lot of people really want to harbor and keep intact. That is all I have to say about that, thank you very much I know you guys were really looking forward to this meeting I'm sure it was on your calendar. Thank you.

Chairman Wilcenski: Thank you for your comments, anyone else, yes.

Lisa Tettlebach: Hi my name is Lisa Tettlebach, I'm a resident of Cutchogue, I live on Crown Land Lane, I've been there for 16 years and just about all of it has been encompassed with having to deal with the prospect of the Heritage project. I'm actually very proud to be a resident of Southold Town and Cutchogue and I'm here to discuss a few things from the DEIS and my objection to the extent and complexity of this project. One of the things that didn't get brought up was the site landscaping and lighting, and the lighting proposed for the development would include street lights along roads and in parking areas, over front porches and the front and back of each house, the clubhouse, the pool, the tennis courts, and the DEIS states that there will be no spill over light onto neighboring properties, well this is practically impossible to state. There are no street

lights currently existing on Highland Road, Crown Land Lane, except for Main Street, that's about it. Right now we can look up and see virtually all the stars in the sky and the project, The Heritage, is going to definitely impact that. I greatly value the absence of light pollution, it is one of the reasons I bought the house in the neighborhood that I'm in, I highly value being able to look up and seeing the night, exactly that. The proposed Heritage development with its extensive system of street lights and other lighting fixtures will undoubtedly introduce a high level of light pollution in Cutchogue in this area. The impacts of the proposed Heritage development on the ambient light levels in surrounding neighborhoods of Cutchogue need to be modeled and assessed in detail. Further mitigation of light pollution resulting from the proposed development should be required by the Town, and I stress that the Board consider that. The traffic, which was discussed in a few of the discussions from the 2014 traffic study in appendix G was done on one week day and one weekend in October, the DEIS states that this time of year was done to represent a period of maximal traffic conditions, but how much can really be learned by looking at something once or two days in one month. October is a very busy season but the summer is also extensively traveled here from all parts of the island, between the wineries and the concerts and just the beauty of the north fork and being at our beaches. The DEIS states that an impact was shown at 3 intersections, Main Road and North Street, County Road 48 and Depot Lane, Main Road and Depot Lane, but the DEIS states on page XXIII of the executive summary in addition the delay change for these intersections with the decrease in level of service would not be noticeable to drivers, and that I highly disagree with, any increases at delay in the studied intersection are deemed insignificant, again I totally disagree with that, and a decrease in level of service means that the time it takes to navigate an intersection takes longer due to more traffic, so no driver will notice this, I don't believe that either. I suggest that the Town require the developer to assess the impacts of increased traffic volumes from the proposed development in percentages, also the percent change in wait times to make the turns, particularly left turns should also be evaluated. Furthermore traffic flows to and from Highland Road and Crown Land Lane should be evaluated in the same manner, percent change in traffic flow and wait time for turning. And will the increase traffic volume necessitate new traffic lights being installed in Cutchogue village and if so will the taxpayers or the developer be responsible for the cost of the new traffic lights? In relation to traffic and the egress at Spur Lane and Bridle, right now they're designated as emergency egress and as Barbara McAdams mentioned that's just what's being said now, I can see at some point when they determine that the 300 cars that are in the Heritage project and the one in and one out on Schoolhouse is not going to be enough and those egresses are going to be opened. I am also concerned as a resident of Crown Land Lane that those roads are going to be used for construction and I totally ask the Board to consider that those streets not be used in and out for huge equipment that's going to be used in the development of this project, they just cannot be traveling in and out through these residential neighborhoods with kids. The other thing, lastly I'd like to mention is the groundwater in relation to pharmaceuticals and as cited in the DEIS the goals of the proposed development that are relevant to the Suffolk County Comprehensive Water Resources Management Plan are that all County residents should have access to safe potable water, that this is in compliance with drinking water and health advisories and the New York State guidance

levels. The DEIS states that residents of the proposed condominium complex would have access to safe drinking water because it will be pumped by the Suffolk County Water Authority. What's not addressed is the potential impact to existing residents that live adjacent to this subject property and at least 9 of whom have been identified as using well water, well there's far more than 9 using well water in that development, at least on the Crown Land/ Highland side and probably on the Schoolhouse side. The Town of Southold should require that an assessment should be made of the quantities and levels of toxins including nitrates, pesticides, herbicides and pharmaceuticals that are most likely to be expected to enter the groundwater from the condominium complex via residents and property maintenance. This is the only way to evaluate whether the health and well-being of local residents will be put a due risk to the construction and occupation of the proposed development. And I was in Town Hall today getting something notarized and I happened to see this flyer that says don't flush medications, well that's fine not flushing but without the extensive wastewater treatment system that could be put in place, you don't have to flush your pharmaceuticals down the drain to put pharmaceutical's into the groundwater and with at least 300 residents that are going to be living in these condominiums these pharmaceuticals are clearly going to go into our groundwater. Those folks that are using wells are going to potentially be affected by that. So I ask the Board to consider those items and to consider everything that everybody said here tonight before assuming that the Stipulation has put you into a situation that you can't do anything about it. Thank you.

Chairman Wilcenski: Thank you.

Lisa Tettlebach: I have a letter that Marion Wipf had written.

Chairman Wilcenski: Okay thank you. Would anybody else like to address the Board? Yes sir.

Richard Jordan: Hi I am Richard Jordan, I am with the Fleets Neck Property Owners Association and we are going to submit additional written supplement but I can't speak as articulately as all these experts have about the science involved but we are adamantly opposed to the damage that the groundwater and surface water will bear unless this project has the most advanced septic system. I looked at the DEIS and I see that, well now its 124, I see that is a ceiling, I recollect the developer stating that he couldn't reduce the number of units because it would be, quote unfeasible, I don't know what that means but I suggest that if he's unprepared to really adapt as opposed to consider, if he's unprepared to really adapt to commit to advanced wastewater treatment system such as nitrex that has been proposed at the Southampton development, that you may grant him some conditional site plan with perhaps reduced number of units to like 72. Or he could introduce the more advanced septic system on the condition that it be approved by Suffolk County. We are also very concerned about the traffic, I live on Pequash down by the water and in the summer they park all over the place, I have four kids we've had the house since 85, I love to see young families come out and enjoy everything. I would hate that we have another 300 cars backed up, I think that the dates that were used for the traffic study fail to recognize that in the summer its

significantly higher, particularly on the weekends. The date that they picked for the Sunday was the date that Riverhead had their annual County Fair which you know draws a lot of people there and I would suggest that diluted what might have been a typical October Sunday although it was Columbus weekend. I just, I respect the obligation that you are all sitting here as volunteers accepting grief from all of us and trying to the best for our community, thank you.

Chairman Wilcenski: Thank you, anyone else would like to address the Board?

Benja Schwartz: Again, very briefly.

Chairman Wilcenski: Excuse me, excuse me, would anybody else like to address the Board? No one else? Okay, you're up.

Benja Schwartz: You always got to make me wait, but that's alright. I don't understand why the, I'm looking at the minutes of the meeting when the Stipulation of Settlement, so called Stipulation of Settlement was agreed to and all it says is I make a motion, second, agreed, there is no discussion. So im looking to find out what this stipulation means and I don't expect to get an answer that will help me understand the whole thing tonight but when I read in paragraph 31 of the Stipulation that the Town and its various Boards, Agencies and Officials shall not oppose the contemplated development and Site Plan application, blah, blah, blah before the Suffolk County Health Department talking about sewage disposal and then the Suffolk County Water Authority for water supply, it seems like if you're not going to oppose, but then it says that you should not oppose the proposal of the developer as long as the application is consistent with the Planning Board's SEQR findings and the Planning Board's final Site Plan approval, never mind that this already also says that the Site Plan approval will be exempt from any judicial review, I mean whoever came up with that, I'd like to hire that lawyer. The Town thinks that it can act in ways that are exempt from judicial review, that one little lower court judge could agree to something that no other judge can ever review what that was agreed to. It's very hard to tell what's agreed to and with all due respect I would like to see someone from the Town, the Town Board won't talk about it, the Planning Board I haven't heard anything, I'd like to see somebody explain what this Stipulation means, what it is that is binding on the Town at this point and what's not. And I'd like you to think about what you've heard so far, this is not, we didn't, you didn't make any SEQR finding yet, but if information is presented to you during the SEQR process as it has been tonight which indicated that there are flaws in the plans, in the Site Plan application. Do you feel that you are able to deny this application or to object to the proposal to use cesspools without any treatment, or do you feel that you're bound by this Stipulation to go along with whatever the Site Plan applicant proposes?

Chairman Wilcenski: We're still going through the SEQR process.

Benja Schwartz: That's not really an answer to my question, so we'll see how it goes but I would like to see something that is a little bit, makes more sense than the Stipulation, I've read that long enough. Thank you.

Chairman Wilcenski: Thank you, with that said I would like to ask the Board for a motion to keep this public hearing open until February 8, 2016 and also for written comments because of the importance of this also and the other thing, we'll look into, we can't guarantee it, but we'll look into seeing if we can have the next public hearing moved to 6pm so we can enable the people who couldn't get here at an earlier time to be able to come here to speak. I need a motion to leave the public hearing open until February 8, 2016.

Martin Sidor: So moved.

James H. Rich III: Second.

Chairman Wilcenski: Motion made by Martin, seconded by Jim. Any discussion? All in favor?

Ayes.

Motion carries.

APPROVAL OF PLANNING BOARD MINUTES

Chairman Wilcenski: We need a motion for the Board to approve the minutes of: December 7, 2015.

James H. Rich III: I make a motion.

William Cremers: Second.

Chairman Wilcenski: Motion made by Jim, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

Chairman Wilcenski: We need a motion to appoint James H. Rich III as Vice-Chair.

William Cremers: I make a motion.

Martin Sidor: Second.

Chairman Wilcenski: Motion made by Bill, seconded by Martin. Any discussion? All in favor?

Ayes.

Motion carries.

Chairman Wilcenski: We need a motion for adjournment.

James H. Rich III: I make a motion.

William Cremers: Second.

Chairman Wilcenski: Motion made by Jim, seconded by Bill. Any discussion? All in favor?

Ayes.

Motion carries.

There being no further business to come before the Board, the meeting was adjourned.

Respectfully submitted,



Donald Wilcenski, Chairman



Jessica Michaelis
Transcribing Secretary